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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PAUL LAKATOS SC
COMMISSIONER

PUBLIC HEARING

OPERATION LANDAN

Reference: Operation E21/1693

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 16 MAY, 2025

AT 2.00PM

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

THE COMMISSIONER: Yes, Mr Hale.

MR HALE: Yes, I think I should go. Mr Rust, firstly, could we have Exhibit 414 back up on the screen.

10 THE COMMISSIONER: So for the sake of clarity Mr Hale Is Mr Manning's counsel if you didn't otherwise know.---Thank you.

MR HALE: I'm sorry, I should have (not transcribable) I did have a quick word beforehand to ensure Mr Rust I was going to be long.

THE COMMISSIONER: I'm sorry. No, that's all right. That's fine, thanks.

20 MR HALE: Exhibit 414 was the email. There we are. I think you told us that you couldn't recall whether you actually had a discussion with Mr Manning about it but you do know you didn't send an email. I think that's about it.---No.

No. What I am suggesting to you that you and Mr Manning did in fact have a discussion about this email or you just can't remember.---Not, not to my recollection.

30 But it might have but it's slipped your memory if it has.---No, because I am directly challenging whether Mr Manning should sit on the council, so I suspect, I feel it's unlikely that I would have confronted him with that.

Perhaps I've got the wrong, perhaps I've got the wrong one. It was the, the email from - I'm sorry, perhaps I've got the wrong one. It was the email 415 I think. Sorry, I've got the wrong one. 415, that's from Ms Harrison, that was the one I was after. I do apologise.---Okay.

THE COMMISSIONER: All right. Let's pull that up, Mr Hale, and you can clear up the confusion.

40 MR HALE: Sorry?

THE COMMISSIONER: Exhibit 415, please. Is that what you have in mind, Mr Hale?

MR HALE: Yes, that was the one.

THE COMMISSIONER: All right, very good. Just take a moment, Mr Hale, that might not be the right one either.

MR HALE: Yes. I think there was an email from Mr Rust to Mr Manning and I thought it was, or maybe it was Exhibit 414. I do apologise. It's hard not actually having the hard copies.

10

THE COMMISSIONER: I think 414 was the earlier email that we looked at. I might be wrong.

MR HALE: Yes.

THE COMMISSIONER: Bring 414 up. It may be the email chain.

MR HALE: That's Lindsay - - -

20 THE COMMISSIONER: So could you bring 414 up and we'll just scroll through it. It may be something in there that prompts Mr Hale's memory.

MR HALE: I'll come back to that.

THE COMMISSIONER: All right. By all means. There's a lot of documents, Mr Hale, I know, I understand and we've given them volume numbers and page numbers and exhibit numbers. It's confusing.

30 MR HALE: Yes, yes, until one actually has them in their hot little hand. If I can just move to another point and we'll come back to that. There was some evidence, not from you, but there was some evidence which is at the bottom of page transcript 356 that Schools Infrastructure, sorry, that Health Infrastructure built a hospital in Bathurst where the operating theatres couldn't accommodate an operating table and a gurney to bring people on it. As far as you know it was not Health Infrastructure that built Bathurst Hospital, was it?---Correct. It, my, within one week of me joining Health Infrastructure, Bathurst Hospital was on the front page of the paper. The local health district considered, or the clinicians considered it was not fit for purpose. In particular I think they wanted to carry out, and this is testing my
40 memories, orthopaedics which requires a larger operating theatre than a standard. Well let's just say there is a long history of twin cities or towns

each wanting standalone facilities. Bathurst/Orange, Parkes/Forbes and there are a number of others. The department takes a, makes a call as to what services will be provided in what location and Health builds to that and in this particular instance the decision was made that, and I think I'm right in saying orthopaedics would not be carried out in Bathurst but in Orange due to a limited demand, however the clinicians raised merry hell.

Yes. And in fact it was that Health Infrastructure was required to fix the problem. Is that correct?---Look, the, the hospital was largely complete. I think what - so the department took a more assertive view with the local health district and the clinicians and indicated that they would not be providing the services that were desired out of that facility. We actually had to confront meetings of clinicians and explain to them why it is the department, sorry, in consultation with the department, why it is that the services were, that were being provided had been determined as such.

Thank you. Now on a slightly lighter note, you made reference to some of the difficulties in designing new schools because so many people wanted to have an input.---Correct.

And I say it's a lighter moment but it's probably, it's also the fact, isn't it, that every principal of every school wanted to design his or her own schools?---As a general statement I, I would agree with that.

Yes. Now when you were at Health Infrastructure you had a chief financial officer?---Yes.

A head of procurement?---Yes.

A head of HR?---Correct.

A head of communications?---Yes.

These were all, as it were, shadow functions created within Health Infrastructure?---By what do you mean shadow?

There were other - these functions were also carried on elsewhere in the Department of Health but there was specific functions of that nature carried on within Health Infrastructure itself.---Correct. They, they answered, they answered, look, communications is always a difficult one because we have a

responsibility to communicate through the department but the other three areas answered into Health Infrastructure.

Thank you. Now the Department of Education had an audit and risk committee with oversight over Schools Infrastructure NSW, did it not?
---Yes.

Yes. And another issue, and again this is only tangential, but you gave some evidence about the problem of certain windows in schools being
10 nailed closed.---Screwed shut I think.

And you were aware, weren't you, that there had been split air conditioning systems that had been installed in schools?---Generally yes. I was aware that in a number of instances air conditioning systems were installed by P&C committees if that's the right term which were somewhat problematic because it then fell to Schools Infrastructure to replace them and maintain them. I was aware that a certain number of schools had been provided with air conditioners and of course there was a cooler classrooms initiative which was providing debatable air conditioning or conditioned air into facilities
20 that were outside what was described as an appropriate range for teaching.

And so far as you understood it looking back on it, there were a number of schools themselves which nailed closed or closed windows to prevent them from opening in order to ensure the air conditioned air did not leave the classroom.---My, my understanding was, and most, as in our normal homes, most windows are capable of being opened, capable of being closed, capable of being locked and operate that way. For me, if you have an air conditioning system (not transcribable) shut the windows and lock them or whatever. Yes.
30

Now I don't want to spend too much time on this because it is a peripheral issue, but Schools Infrastructure relied upon a maintenance contract with public works for the - - -?---Yeah.

Sorry, the Department of Education, I'm sorry, had a maintenance contract with Public Works for the maintenance of schools.---Correct. Sorry, as far, as best I recall.

Yes. And there was, there had been a program called Ease and Adjust
40 intended to ensure that the windows of school buildings were open. You don't know?---That, that would test my memory.

Yeah. Or that the windows could function properly.---I, I, I recall it came about as a result of concerns with air movement as a result of recommendations out of various COVID responded.

Yes. And as soon as that matter came to light, you were aware that the action was immediately taken to check 360,000 windows.---Yeah. I didn't know the number but I understood the action was taken.

10 And it was found that 80,000 had to be opened up or repaired, some because they had been gummed up or painted.---I was aware a substantial percentage did not operate.

Yes, and that was an immediate result of action taken by Schools Infrastructure as soon as the controversy was learned.---Yeah.

Yes. And so far as you understood it, it was public works that was meant to be monitoring the school buildings themselves.---Yes. As far as I understood Schools Infrastructure was managing public works and
20 executing that work although I will acknowledge they inherited contracts and that the contracts perhaps did not drive the level of performance that was appropriate, but nonetheless it was managed within Schools Infrastructure.

Now if I could come back - perhaps, I think there's some further questions to the - - -

THE COMMISSIONER: That's right. You can't identify the exhibit at the moment?
30

MR HALE: We'll find out what that is.

THE COMMISSIONER: Well I won't ask Mr Bhasin to ask questions because I think it's fair he goes last in the circumstances.

MR HALE: Yes.

THE COMMISSIONER: Are there any other questions by any other party?

40 MR HALE: No, it was only that one issue.

THE COMMISSIONER: All right. Well in that case, look, we will take a few minutes to allow you to try and find that exhibit so Mr Bhasin can be perhaps excused if he wishes to be as well.

MR HALE: Yes.

THE COMMISSIONER: To Mr Rust. Just whilst that's happening, a different question. You appear to make a distinction between air conditioning and conditioned air, or not a distinction, you used those terms.

10 What is conditioned air? Is that the air that come out of the air conditioner is it?---No. It came from, and I think Mr Manning would have shared, and in fact if, if anything was a proponent of this, came from our experience in hospitals where we, we asked patients what they wanted and most of them wanted an open window and get fresh air so the newer buildings were sealed and air conditioned and thus not providing the environment that patients desired in times other than extreme cold and extreme heat. So when the, when the program for air conditioner came in I think the view was they'd try and develop a more sophisticated control, a system of controlled air so that at the appropriate times fresh air could be made available but at times of

20 intense heat or intense cold you might use some mechanical advantage. So it was to do with more contemporary forms of control of the environment.

And when you say fresh air made available, does that mean opening a window or - - -?---Yeah.

All right.---Yeah. But you - these days of course you can have systems that open and close depending on ambient - what's happening outside.

An automated system measuring what's going on outside.---Rather, rather

30 than - yeah, individual.

Yeah, sorry. Very good.

MR HALE: I don't want to take up any time on the other matter. It's just, it was to suggest that the particular email, there was in fact discussion between Mr Rust and Mr Manning. Only a very, very minor detail so I won't take up any time.

THE COMMISSIONER: All right. Very good. Thank you, Mr Hale.

40

MR DARAMS: Commissioner, I've got one point of clarification arising from that.

THE COMMISSIONER: Yeah, sure.

MR DARAMS: I'm not sure whether it's better that I clarify it now for the benefit of Mr Rust. I think perhaps I should do. Mr Rust, just in answer to Mr Hale's questions he was putting some propositions to you that - - -

10 MR HALE: Sorry, I think that, you want to ask questions, don't you?

THE COMMISSIONER: Mr Bhasin goes at the end to make sure it's all wrapped up.

MR HALE: Oh I see. Okay. Okay.

MR DARAMS: Arising from yours so Mr Bhasin can deal with it.

MR HALE: Okay.

20

MR DARAMS: Mr Rust, Mr Hale was putting some propositions to you which I think you agreed with that Health Infrastructure had a Head of Legal, a Head of Procurement, a Head of Communications. There might have been another one in there and I think you - - -?---Not legal.

Okay. Head of Communications, Head of Procurement.---Yep.

THE COMMISSIONER: CFO, HR.

30 MR DARAMS: Sorry. Thank you, Commissioner, so CFO and HR. I just wanted to understand from the structure were they functions that were delegated, sorry, did they report into you, those roles?---Yes. Yes.

Were they functions that were delegated by the board from the Director-General?---Yes.

Yes.---Yes. Could I just, so I'm clear about the structure, could I ask that you be shown Exhibit 414 again and go to the second page. And I just want to refer, it's about the sixth or seventh paragraph down, "I have attached the
40 delegations."---Yeah.

Just draw your attention to that paragraph. We don't seem to have the delegations on this email but I just wanted to confirm, and you can tell me if I'm wrong or right, but those head of roles, if I'm understand your evidence correct, they were functions that were delegated by the Director-General to the board who then in turn delegated then down to you as the Chief Executive, is that correct?---Yes, that's correct. I mean, as I said in the case of - - -

10 Communications it went back through the department.--- - - -and obviously Finance ultimately had to answer up into Health Finance.

And I'm right that there was no such similar delegation process set up with School Infrastructure, correct?---I was, absolutely, I have no knowledge of Mr Manning's delegations.

Thank you.

THE COMMISSIONER: Mr Bhasin.

20 MR BHASIN: Just while Exhibit 414 is up, if I could draw your attention, Mr Rust, to the paragraph that begins, "In the case of WestConnex delivery authority," and you'll see just before the number 1 after setting out some of its structure you say, "Thus the board in having an oversight and assurance role." So it was your understanding that the WestConnex delivery authority board had an oversight and assurance role. Now, is that correct?---Yes, by virtue of the instruction of the Minister.

30 And ultimately the suggestions, you've given evidence that the suggestions you made in this email and later discussed with Mr Scott were not taken up in establishing the Schools Infrastructure advisory council?---Correct.

And did you understand the Schools Infrastructure advisory council to have an oversight or assurance function?---No, because I, I took from the response that Mr Scott was happy that we provided strategic advice to the Secretary, and in particular the clause in the charter which made it clear that we had no responsibility in terms of day-to-day operations. I can't recall the exact terms, but we had no responsibility in terms of day-to-day operations.

40 And it may flow from that, but to your understanding did the Schools Infrastructure advisory council have any audit or probity function in relation to Schools Infrastructure?---No, I specifically asked that question and that

resulted in me meeting with the Head of Internal Audit for Schools, and it was made clear to me that they were carrying out the internal audit function for SINSW and that apart from having, I think, a look at the proposed audit program, we had in effect, the committee had no input into the internal audit function.

And to your understanding were there other mechanisms in place to undertake that type of audit and oversight in particular in relation to procurement?---From, from, well, from my time at Health I was always
10 acutely aware that ultimately there was internal audit, there was the, we have the Auditor-General could at any stage audit the agency. ICAC of course in a position to investigate if there was any concerns. I was aware there were a number of mechanisms within government to I guess assure themselves that activities within an agency were being carried out properly.

Now, if I could ask you be shown Exhibit 387. And this is a slide that was referred to in the opening by Counsel Assisting. If you could take a look, the text is quite small, but under the, there's a heading Cycling Group, and then do you see your name - - -?---Yes.
20

- - - and picture? And under that it says, "Director," and there's certain dates, "of Rigby Downs Consulting Pty Ltd."---Yes, correct.

And I think you've given evidence earlier that that was an entity through which you provided consulting services.---Yes.

And below that is the text, "Subcontracting to John Grill Centre at Sydney University."---Yes.

30 What was the nature of your involvement with the John Grill Centre at Sydney University?---I had two roles. I was on an advisory board which was myself and two other individuals who provided broad advice to John Grill Centre. That was a non-paid role. I was also retained to provide, I was a mentoring-type services to that organisation.

And you've had an opportunity to look through your records for invoices you've issued in relation to your work for the John Grill Centre, is that right?---Correct.

And can I just provide you with a document. Do you recognise this is a number of invoices that you have issued, first of all to the company called Leadership Agility Pty Ltd and - - -?---Yes.

- - - secondly to the John Grill Centre at the University of Sydney?---Yes.

And is this the, in total there are five invoices.---Correct.

10 And as far as you have been able to determine or as far as you recall is this the entirety of the work that you, paid work that you did for the John Grill Centre?---Yes.

20 Could you just explain in relation to the invoices what the nature of that work was?---Yes, the first item of work was a review of an unsolicited proposal that was being made I think by the university to government to develop a precinct at Westmead, health related. The second was a review of a health building, Susan Wakil, again for the university. The third, fourth and fifth invoices were relating to mentoring that John Grill Centre provided to RMS, three cohorts of project managers and other such managers, over a period of three or four months.

And so is it right to say from that that none of that work involved matters relating to school infrastructure?---Correct.

30 And if I could just ask Exhibit 387 to be brought up again. Just focusing on the John Grill Centre at Sydney University text, and there's a box beneath that that says, "Paid \$226,687." I take it from what you've just said, none of that money was paid to you, is that correct?---Correct. I have no knowledge of that contract.

Were you aware that John Grill Centre was being paid to undertake work for School Infrastructure NSW?---Look, I've cast my mind back. I, I'm aware that they were certainly promoting a series of what I would call state-wide initiatives to raise the level of expertise of project management across the board in the public sector. But I cannot recall specifically whether they did work, that I was aware they did work for Schools.

I should tender that document, or seek to have Counsel Assisting tender it.

40 THE COMMISSIONER: The five invoices?

MR DARAMS: Yes, we'll tender those.

THE COMMISSIONER: Yes, very well. The five invoices, I suppose dating between 9 June 2018 and 2 November 2019, issued, to put it that way, by Rigby Downs Consulting to, respectively, Leadership Agility Proprietary Limited and John Grill Centre, University of Sydney, will together be 416, or 415? 416. Exhibit 416. Thank you.

10 **#EXH-416 - 5X INVOICES DATED 9 JUNE 2018 TO 2 NOVEMBER
2019 ISSUED BY RIGBY DOWNS CONSULTING TO LEADERSHIP
AGILITY AND JOHN GRILL CENTRE**

MR BHASIN: Now, are you aware that, well, was your involvement with the John Grill Centre declared as a potential conflict in the minutes or at the meetings of the School Infrastructure advisory council?---Yes, I put it on the record, I'm not sure of the date, but I think almost immediately that I
20 commenced that work. And over time when there was discussions as to
whether I might do some work with Schools, and that that, well, there was a
point of time where there was a separation from the firm I understood to be
Agility and the John Grill Centre, and there was talk, sorry, there was talk of
John Grill Centre doing work for School Infrastructure. So I had on record
that I was working, that I was advising John Grill Centre. When John Grill
Centre, through Leadership Agility or through, started to talk with School
Infrastructure about me taking a role, I made a declaration to Mr Scott
indicating that I had been asked to do some work, and that I would work out
how to manage that conflict as and when that occurred. He accepted that.
And subsequently that initiative collapsed, and I wrote back to Mr Scott and
30 said the problem did not arise.

If I could provide you with a document. Do you recognise that as an email exchange between you and Mr Scott?---Yes.

And it dates from 30 September 2019 to 30 January 2020.---Yes.

And you're outlining there that you do some work for John Grill Centre and describing the potential for a conflict related to a particular piece of work that was arising.---Yes.

40 Is this email the exchange that you were just referring to?---Yes.

Yes, I'll tender that.

MR DARAMS: I tender the email.

THE COMMISSIONER: Thank you.

MR BHASIN: And if I could provide you with - - -

10 THE COMMISSIONER: Sorry, just pausing there for a moment.

MR BHASIN: Sorry.

THE COMMISSIONER: I'll do the housekeeping.

MR BHASIN: Sorry, Commissioner.

THE COMMISSIONER: Yes. The email chain between Mr Rust and
20 Mr Scott which commences on 30 September 2019 and concludes on
30 January 2020 bearing the title Staff Development will together be Exhibit
417.

**#EXH-417 - EMAILS BETWEEN ROBERT RUST AND MARK
SCOTT FROM 30 JAN 2020 AND 3 OCT 2018 TITLED 'STAFF
DEVELOPMENT'**

THE COMMISSIONER: Yes, sorry. Please proceed, Mr Bhasin.
30

MR BHASIN: Yes. If I can provide you with some additional documents,
they're three sets of minutes from the School Infrastructure advisory
council.---Thanks.

Now, do you recognise these as minutes that you've found in your
records?---Yes.

And they're marked as draft, but as far as you're aware, at least in relation
to the declarations of conflicts, they would be consistent with the final
40 minutes?---Yes. These minutes went through to one of the board minute

programs, so I do not have access to the final documents, but these were my, my mark-ups that I provided.

And in relation to the first set, that's of 18 October 2018, you'll see at item 1.2 it records that you declared that you were on the John Grill Centre for Project Leadership advisory committee.---Correct.

And to your understanding, that was a standing declaration that carried through in subsequent minutes - - -?---Yes.

10

- - - until it was changed? Now, if I could take you to the second set, that's dated 21 November 2019.---Yep.

Again, item 1.2, you'll see, "Robert Rust declared", and it's item 3, that you're on the John Grill Centre for Project Leadership advisory committee and carrying out work for that organisation.---Yes.

20

And finally, on 6 February 2020, again item 1.2, you declared that, "(iii) provide leadership training services to Sydney University/Agilience, who have offered to provide such services to School Infrastructures NSW".---Yes.

So that's a reflection, is it, of what you were describing of your declaration changing as the role and function changed - - -?---Yes.

- - - with the John Grill Centre?---Yes.

Yes. Those are my questions.

30

THE COMMISSIONER: Are those to be tendered?

MR BHASIN: Oh, I should tender that - - -

MR DARAMS: I tender that document. Those documents, I should say.

MR BHASIN: - - - these documents.

40

THE COMMISSIONER: Thank you. Yes. What are described as the draft minutes, and that's of course been qualified by Mr Rust's evidence as to his belief that they reflect the final version of the NSW School Infrastructure

advisory council meetings of 18 October 2018, 21 November 2019, and 6 February 2020, will be Exhibit 418.

**#EXH-418 - SINSW ADVISORY COUNCIL MEETING MINUTES
FROM 18 OCT 2018, 21 NOV 2019, 6 FEB 2020**

10 THE COMMISSIONER: Yes. Thank you. Yes, I think that completes
Mr Rust's evidence. Mr Rust, you are now excused. Thank you.---Thank
you.

THE WITNESS EXCUSED

[2.39pm]

MR DARAMS: Thank you, Commissioner. The Commission next calls
Mr John Taylor.

20 THE COMMISSIONER: Mr Taylor, will you take an oath or an
affirmation?

MR TAYLOR: Affirmation.

THE COMMISSIONER: Would you perhaps stand up there and then -
thank you.

THE COMMISSIONER: Please sit down, Mr Taylor. Mr Taylor, do you have any legal assistance here today?---No.

All right. You've probably heard what I've said to other witnesses.---Yes, I have.

10 But I need to set out what your responsibility and role is here.---Okay.

As a witness you must answer all questions truthfully and you must produce any item described in your summons or required by me to be produced. You may object to answering a question or producing an item. The effect of any objection is that although you must still answer the question or produce the item, your answer or the item produced cannot be used against you in any civil proceedings or, subject to two exceptions, in any criminal or disciplinary proceedings. The first exception is that this protection does not prevent your evidence from being used against you in a prosecution against
20 the Independent Commission Against Corruption Act, including for an offence of giving false or misleading evidence, which carries a prison term. The second exception applies to New South Wales public officials. Are you within that description?---Yes.

You're currently a New South Wales public official?---Sorry?

Are you currently a New South Wales public official?---No.

30 All right. So I don't need to go to the second exception.---No.

All right. I can make a blanket declaration covering all of your answers and all of the items which you may be required to produce which means you don't have to take objection individually. Would you like me to do that on your behalf?---Yes please.

Very good. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr Taylor and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on
40 objection and there is no need for Mr Taylor to make objection in respect of any particular answer given or thing produced.

DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY MR TAYLOR AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR MR TAYLOR TO MAKE OBJECTION IN
10 **RESPECT OF ANY PARTICULAR ANSWER GIVEN OR THING PRODUCED.**

THE COMMISSIONER: Does any of that remain unclear to you? I am happy to explain if necessary.---I am clear.

Very good. Mr Darams.

MR DARAMS: Yes, thank you. And, Mr Taylor, I understand you're a
20 civil engineer. Is that correct?---That's correct.

You also have done a course with the AICD. Is that correct?---Correct.

Are you a member of the AICD?---Yes I am.

Can you just briefly outline - - -

THE COMMISSIONER: Company Directors Institute.

30 MR DARAMS: Sorry, say that again?

THE COMMISSIONER: Is that the Australian Institute of Company Directors?

MR DARAMS: Sorry. Yes, it is. That's correct, isn't it?

THE COMMISSIONER: Sorry, acronyms fool me all the time, Mr Darams.

MR DARAMS: Yeah. So AICD, the Australian Institute of Company
40 Directors.---That's correct, yes.

THE COMMISSIONER: Thank you.

MR DARAMS: Mr Taylor, are you able to just give us a brief outline of your work career please?---Sure. Initially I worked 14 years for a builder, Concrete Constructions. 1989 I and a colleague, David Chandler, who, the ex-building commissioner left at the same time and we decided to start a company and that company is APP. That company continued. I became the managing director after a couple of years after Mr Chandler left. That company continued to 2005 when the company was sold to Transfield
10 however in 2001 one of the employees or our fellow directors was wanting more responsibility so I decided to become executive chair and let Nicholas Yates becoming managing director. That allowed me to also provide some consultancy advice. I'd done a fair bit of work with the 2000 Olympics and Mr David Richmond and others asked me whether I would do some work for the coordinator general, which I did and that started with providing consultancy to public entities and that's continued from then, 2001 to today. After we sold APP in 2005 we had been working offshore in a separate company and we, I, I took that separate company, I didn't sell that, separate
20 company to Transfield and I and another colleague, Guy Scott, set up an office in Singapore called Company Confluence and then we built that company with a worldwide footprint of project management. We got a very good offer in 2013 and we sold that company.

During that time I did Health Infrastructure and a number of other things and then the next period is a colleague, Peter Root, who had another project management company called Root Projects, approached me and he wanted to find an exit path and asked me whether I would join as a director of his company and help him build that company and eventually sell it and I did that and that company grew and we were able to sell a large percentage of that company to a private equity firm I think around 2019, 2020. So
30 they're the - there was three companies that I was intricately involved in that managed projects, large projects, and, as I said, since 2001 I worked for various public agencies providing, providing advice in projects.

Just in relation to those three companies, sorry, that you were intricately involved in, am I right in thinking that they were, broadly speaking, involved in the construction industry?---They were a little bit wider than that. Mainly project management in the construction industry but, for instance, Confluence, which were based in Singapore, were heavily involved in the F1 Singapore Grand Prix. We, we set up the facilities on a,
40 on a regular basis so at APP We had done some event management, so we, and also I, I think we tried to get into managing the business process but we

weren't successful at that, so it was, it was basically construction-orientated but we tried to grow it into other areas.

So you were a director, am I right, of the board of Health Infrastructure?
---That's correct.

How long were you a director there for?---I think it was seven years. It was from when it first started to about 2010 I think. Maybe I got that date wrong but - - -

10

Which date?---2010. I, I, I might have to look. I've got a whole lot of dates and I've got it written down but I can't - I get them confused.

Well I'm happy if you need to refresh your memory from your dates but just - when you say, when it started I think I had the evidence of Mr Rust that he was the chief executive from 2007 and he was the - - -?---Okay. Well that's when I started.

20

That was its first, he was the first chief executive.---He was the chief executive and I, and I joined, I think I was, I think I was a member of that board before he joined. I think we, he was recruited when I was a member of that board if I remember rightly.

So around about that, 2006, 2007, is that correct?---That would be right, yes.

You said you were the director for seven years, is that right?---Yes.

So we're talking sort of 2007, 2014 give or take.---Sounds like it, yeah.

30

Is that where you came across Mr Manning when you were at Health Infrastructure?---Yes.

Did you know Mr Manning before Health Infrastructure?---No.

40

What was your sort of role, sorry, day-to-day - sorry, what was your engagement, if any, with Mr Manning when you were at Health Infrastructure?---I was delegated to be a, head up a subcommittee of the board to review the projects at Health Infrastructure rather than the board looking in particular at every project. Bob Lees, who was the chair, decided that I should be a subcommittee of the board of one so we'd regularly review the Health Infrastructure projects and if there any, any Health

Infrastructure projects that needed to be referred to the board and, and to advise the board of problems in those projects I, I would do that and so I would regularly, probably once a month, have interface with Mr Manning.

So have I got this right, you're a subcommittee of one of the board.

---Correct.

That was delegated to you by the chair of the board or the board generally.

---Yes.

10

So in effect you were the primary point of contact between Mr Manning and the board, is that fair or unfair?---If I remember rightly I'd have to say maybe.

Sure.---I, I, I, I'm very hazy. I know I had that contact with Mr Manning. Whether there was other contact with the board or Mr Manning I, I can't remember.

20 You don't know whether Mr Manning, outside your engagement with him, whether he was interacting with the other members of the board at any other times?---No, no, he said he was with other members of the board but he may have attended board meetings.

Presumably you would have been at those board meetings though?---Sorry?

Presumably you would have been at those board meetings too?---If he was there.

30 If he attended board meetings.---Yes. That's what I'm, that's I'm trying to - I vaguely remember he may have come to some board meetings but I might, my memory might be incorrect.

Do you know how you came to be proposed or put forward to become a member of the School Infrastructure council?---No.

Did you have a conversation with Mr Manning about whether or not he suggested you for the council?---I don't think so.

40 What about Mr Rust? Do you remember - - -?---Maybe Mr Rust. I really can't remember. I remember getting either an email or a letter asking

whether I would join the School Infrastructure board, and it didn't come as a total surprise. So I'd spoken to somebody, but I don't know who it was.

You can't remember who now.---No.

Did that letter come with some statement or offer as to terms of compensation or remuneration for being on the board?---Not initially. I did, I was compensated, but the, the, the first approach was was I prepared to do, join the School Infrastructure board.

10

In terms of the compensation for your board duties - when I say "board duties", your council duties - am I right in thinking that you were remunerated for that particular role?---Yeah, I think it was about 23,000 annually.

Annually. Right. I read somewhere that you said you had a very close relationship with Mr Manning. Is that correct?---No. So what do you mean by "close"?

20 Just bear with me one moment, please. Can I just be ask that you be shown volume 7.13, page 387. So what I'm just bringing up is an extract of your record of interview with commission officers.---Right.

And I'll come to the date in a moment. But I just want to draw to your attention, down the side, see those numbers, 5, 10, 15, et cetera?---Yeah.

They're sort of corresponding to lines on the page. And you see Mr Herps, about line 3? See that there?---Yeah.

30 It says, Mr Herps puts this question: "Now, I'm assuming in your role as advisor to, um, DFMA" - - -?---Yeah.

- - - "and then Laterally Integrated" - I'll come and ask you about them in a moment - - -?---Yeah.

- - - "you wouldn't have had, you wouldn't have been privy to conversations with the Minister at that point." Then you say this: "I could have been. I don't participate in any of those, but I would, I mean, I had a very close relationship with Anthony." You mean Mr Manning?---Yes, I do.

40

Right. So that's what I was referring to when I asked you about your - - -?---Yeah, okay, I've got to explain - - -

Sorry, let me just, let me just finish - - -?---I've got to explain this. So we've gone through - - -

No, no. Sorry, Mr Taylor.---Sorry? I'm sorry.

10 Do you now recall that you did say that you were explaining - - -?---I definitely said it. It's there in black and white.

Right. So can you now explain to us how you had a close, or, sorry, very close relationship with Mr Manning?---Yeah, look, it's probably an exaggeration, what I've said. I have to explain that. So go back to the role of the review of the projects at Health Infrastructure. The relationship with Anthony at that stage was quite testy.

Sorry, just pause.---Yeah.

20 When you say "the relationship with Anthony", are you saying your relationship with Mr Manning?---Yes. Yes.

What stage are we talking about?---When I was reviewing the projects at, at Health Infrastructure.

Yeah. Sorry. Can you be a bit more specific in terms of timing?---Not really. I, all I can remember, and Anthony reminded me on a number of occasions, is that he didn't like being reviewed and would often not turn up to the reviews. And - - -

30 Sorry, what are these reviews, please?---The reviews that I was doing on, on the projects - - -

Which projects?--- - - - at Health, at Health Infrastructure.

Okay, sorry, we need to take this a little bit slowly, please, just so we understand your evidence clearer.---Yeah, because my relationship with Anthony went up and down. That's why I'm trying to explain this.

40 All right. So you're referring to some sort of review of projects. What, these are projects that School Infrastructure was doing, or - - -?---No, this is

a Health, when I was reviewing projects with Health Infrastructure, when I was the subcommittee of one.

THE COMMISSIONER: Subcommittee of one, reviewing Health Infrastructure.

MR DARAMS: I see. So we're - - -

THE COMMISSIONER: I think Mr Taylor did say that previously.

10

MR DARAMS: So we're back in two thousand and - - -?---Yes, because I'm trying to explain this rollercoaster ride - - -

I see. Okay, right.--- - - - with, with Anthony. But at times, yes, I had a close relationship with Anthony, because we had respect for each other. At other times, we had a very testy relationship, because he didn't like what I was doing. So, and part of this DFMA, we'll come to that, is that it started out as a very close relationship but soured along the way.

20 Right. So when we're talking about this evidence here, just so we're clear, you are talking about a period of time when you are engaged at School Infrastructure.---In, when I'm, this, this paragraph?

DFMA.---Yes.

Yes. I see. Thank you for that explanation. I think I understand that now, and that will assist me. I'm just going to be focusing questions on your period of time at School Infrastructure at the moment, just so we understand that.---Sure. But that relationship went up and down as well.

30

Right. So just how did your relationship with Mr Manning go from close or very close, as you describe it, like, are you just engaging with him in the work context, or are you meeting up with him outside the work context?---No, just, just, just at work.

Okay. I see. Now, just in terms of this period of time here where you said, "I had a very close relationship with Mr Manning," are you talking at least up to a point in time when you were at School Infrastructure, or, sorry, engaged to provide services to School Infrastructure?---I'm not too sure - - -

40

Yeah, sorry, that is probably a bit clumsy. Just where you say here, "I had a very close relationship with Anthony, so if he had a conversation with the Minister," you're talking about the Minister, the Education Minister?---Correct.

Right. So this up and down nature of your relationship with Mr Manning, did it go up and down during the period of time at School Infrastructure?---Absolutely.

10 Okay. So using the DFMA project, when did you start being involved in that?---My memory is that I was first approached by Stuart Suthern-Brunt in about December 2019, I think. Yeah. Late 2019. And I continued with discussions with both Anthony and Stuart Suthern-Brunt without any kind of remuneration or engagement. It was just a, advice on a relationship or, because I was part of the board, I can't remember what, what relationship - - -

I just want to get that clear. So when Mr Suthern-Brunt approaches you, are you still on the advisory council at this stage?---No.

20

No. What caused you to leave the advisory council, if I might ask?---Yeah, I became the chair of Root Projects, and I thought that that was a perceived conflict of interest. It, it wasn't a conflict of interest, but I was worried that it could be perceived, because Root Projects were trying to get work off School Infrastructure, and I was concerned, as the chair, there could be a perception of, of bias or, or conflict.

Sorry, just so I'm clear, you weren't the chair of the council at that time, though, were you?---I was - - -

30

You weren't the chair of the - - -?---Oh, no, I was made council, I was made chair of Root Projects.

Sorry. Root Projects. My apologies.---And when I became chair, I then resigned from the School Infrastructure board.

Did you ever end up back as a member of the council?---Yes.

When did that happen?---When I resigned from Root Projects.

40

Right.---That was in mid-'20.

Mid-2020.---Yeah. And I was, I was, I was on the council for about a year, I had a two-year break, and then I came back.

Right. During the period of time that you were on the council, back on the advisory council, after mid-2020, you were also engaged, were you not, by School Infrastructure to provide services?---Correct.

10 That's right. Sorry, is that engagement that you've agreed with, is that the one that Mr Suthern-Brunt approached you about?---No. No, no. The one I was talking about, the 2019, it was, there was a DFMA, where, where I eventually became the chair of what was called a DFMA committee, which was about six months after he approached me in the, in the December '19.

This DFMA committee, that's a committee, what, within School Infrastructure, is it?---Correct, yes. Mr Root was on that, sorry, Mr Rust was also on that committee.

20 So you, Mr Rust, who else was on that committee?---I don't remember.

Don't remember. That committee, that committee ends, what, six months after it starts, correct?---This is, this is this relationship issue. We, we met, and - - -

Sorry, when you say "this", sorry, when you "this relationship issue", you mean the Mr Manning, you relationship?---Yes. Yes.

30 I see.---Because that, we, we started in mid-June 2020. By March 2021, relationship with Anthony had soured, and - - -

Can I just ask you, what did it sour, can you remember the reason why?---Yeah.

Why?---There was a debate as to what the strategy should be going forward with what is now as MMC, the manufacturing and bringing to (not transcribable) components.

40 Sorry, just can I pause there, when you say MMC, do you mean modern methods of construction?---Modern methods of construction, correct.

So there was a - - -?---It's the same thing as DFMA. It's the same thing as construction, wasn't it CSO, they've had a number of titles going through but they're all basically the same thing.

Sorry, there was some disagreement, is that right?---Yeah, a little bit. The, there had been suggestions made in a thought paper by a firm called HKA as to, the strategy should be using an integrator and modelled on what was called Project 13. I had difficulty at that time with, with that model and was pushing for a different model where we would contract builders or
10 contractors who would supply the componentry under some kind of more rigorous contract. There was a, a, a bit of a, I guess conflict of ideas and we met, we met in March. There was a, I think I remember once there was a fairly robust conversation with Stuart and Anthony and then we never met again.

There was a robust conversation between Mr Manning and Mr Suthern-Brunt, correct?---Again, with me, yes.

With you. So Mr Suthern-Brunt and Mr Manning, for want of a better
20 description, were one side of the debate and you were on the other side? ---Well, they were the executive and I was just a, I was the chair overseeing the whole process. They were actually day to day doing the executive and Anthony thought that I was being too, too much involved in what he saw as the executive role rather than me being more a arm's length strategic adviser.

Can I just ask you this question. You talk about some sort of committee, are we talking just some loose conglomeration of individuals, are we? We're not talking about some - - -?---No, it was formalised.
30

A formalised committee of School Infrastructure, was it?---I think so, yeah.

Was it set up with some type of governing document or anything like that? ---There's some kind of document. Kind I just go back a little bit. As you (not transcribable) I had an interview a few weeks ago with Mr Herps. When I first sat down with him I had no memory of any of this and so the last three or four days I've, my head buried in emails and correspondence to try and refresh what I did over those seven or eight years, and I've certainly seen over the last couple of days formalised correspondence in relation to
40 this DFMA committee.

I see. Okay. Just back to the sort of committee, and probably maybe I distracted you, but, in any event, there was some sort of charter for this committee or something like that is there or not?---Yes.

Right. I see. Well, I might come back to that a little bit later on, but can I just go back a little bit in time, could I ask that you be shown Exhibit 388, which is volume 4, page 113, the charter for the council.

10 THE COMMISSIONER: Mr Taylor, while that's being pulled up, can you just give me a sense of this, when you are a subcommittee of one on the Health - - -?---Very unusual title, isn't it?

Oh, look, it's unforgettable, put it that way, and you were reviewing projects of Health Infrastructure - - -?---Yeah.

- - - can you give me a sense of the number of projects which are on foot at any given time? I know it's a very general question and may prompt a general answer, but - - -?---(not transcribable) to be split into two (not transcribable) there was those progressing that are progressing through the design stage and procurement stage and those projects that were actually in the field. I think probably in the field, maybe ten, 12. Getting into the field, maybe double that.

And really it's a question which is directed towards the quantum of projects, Health Infrastructure compared to School Infrastructure, as you understood it in your role on the advisory council, did the number of projects that School Infrastructure was carrying out, putting aside their size and complexity for a moment, was it about the same, more or less?---When we started Health Infrastructure we were turning over about 400 million.

30 Within the seven years we went to a billion, so the number of projects or size of projects and kind of throughput in Health Infrastructure grew rapidly during that time. I don't recall really as to a comparison between School Infrastructure and Health Infrastructure. All I do remember is what you've heard today, is that there was a large volume of schools to be built and there was concern whether School Infrastructure had the resources and ability to manage the volume that was being planned.

I suppose both entities, Health and School, had a large amount of money to be spent on various projects. I put that very generally. But I'm trying to get a handle, and you may not be able to answer it further than you've done, so

40 I'm just - - -?---Yeah.

- - - testing you really to work it out, but I guess I'm looking at the number of projects which were running about the same time. If you can't do better, that's fine. If you can, I'd be - - -?---In School Infrastructure?

School Infrastructure.---No, I can't.

All right. Thank you. Sorry, back to you, Mr Darams.

10 MR DARAMS: Thank you. I take it, Mr Taylor, you've seen the charter of the council before?---Yes.

Could I ask that you be shown page 116. I take it then that you're familiar with the roles and responsibilities and authority of the council?---I am because I've read it in the last couple of days.

Well, what about the time that you were sitting on the council, were you aware of them at the time?---I presume so. I, I would have read it when I was asked to, to join, and be comfortable with it, but can I recall reading it?

20 No.

As I understand your evidence this wasn't your first, and I use this term, board appointment, that's correct?---Correct.

Right. Can we assume that approaching the matter professionally and adhering to what you understood would be your duties for which you were being remunerated, you would have at least understood what the council's responsibilities were, correct?---Absolutely.

30 Yeah. But whether you can remember now reading this particular document I take it if you, please, you can take your time to look at it, you were aware of the roles and responsibilities?---Yeah, if I can explain, as I said, I read it in the last few days. There's nothing there that, that I would have been uncomfortable with.

Yes. Could I just ask that you be shown page 117. Just, I just want to draw your attention to the roles and responsibilities of the members. Just, you don't need to worry about 6.1. That's really the chair's responsibility. But just focus on 6.2. And then I'll just ask you be shown page 118 and the
40 three particular bullet points there. Could I just now go back to page 116. Can I ask you this, did you ever understand the advisory council to have any

particular role in advising the Secretary if the council became aware that School Infrastructure may not be complying with its, well, department policies and procedures in relation to procurement? Does that make sense?
---Not really, no.

Sorry, I'll break it down.---But, sorry, you go.

I'll just break it down. If you became aware as a member of the council that there might be some issue, and what I mean by that is that is School
10 Infrastructure may not be complying with its procurement policies, did you see that as a member of the council, that it would be part of the council's role to raise that issue with the Secretary?---The council had direct role with the Secretary. The role of advising the Secretary was through the chair, so I, yes, I would have spoken with the chair.

Sorry, just, when you say the council has no role, did you, didn't understand clause, or paragraph 4.4 to extend to the members of the council as well?
---Yeah, but there was no, unless the Secretary Mr Scott, as Mr Rust said, came to the meetings, which he did early, there was no ability for a member
20 of the council to directly talk to the Secretary.

Why do you say that?---Because any correspondence with the Secretary would be through the chair.

But presumably, sorry, if I could just draw your attention back to 6.2.

THE COMMISSIONER: Sorry, 6.2?

MR DARAMS: Yeah, sorry, 6.2 on the next page.
30

THE COMMISSIONER: I'm sorry. Yeah.

MR DARAMS: Go to the next page, please. Just pausing on that second paragraph there, that "frank and fearless advice on matters considered by the council." I just need to get this clear on my mind, did you understand that council would have any role in advising the secretary about whether or not School Infrastructure was adhering or complying with practices and procedures, at least in relation to procurement?---Yes.

40 You did. Can we assume though that if you had become aware of one of those, an issue that might be relevant to that, that is whether or not School

Infrastructure was following proper practices and procedures in relation to the procurement of services, you would have raised that with someone?
---Yes, the chair.

The chair. I see.---The chair, or ask that it be put on the agenda for the next meeting.

To raise this issue about, look, I'm aware of this, we need to look at it because it's not a proper procurement practice, correct? Something along those lines?---Well, you're singling out procurement. I think it, any kind of practice that I would be concerned about, then it would be something that either be put on the agenda or something I would discuss with the chair.

Do you remember doing that at all? Was there any occasion where you had to do that with the chair, when you were on the council?---Not in relation to procurement but towards the end, as we discussed with Mr Rust earlier, there, there, there were discussions with the chair about the function of the, of the, of the council.

20 Can you remember when you became a member of the council?---Initially?

Yes.---When it was first put up in the end of 2017.

I just want to ask that you be shown volume 4, page 121. I just want to draw your attention to this email. So there's an email trail here from Mr Manning, I presume to you, is that correct?---Yes.

wbconsult, is that Mr Burgess?---It is.

30 So I just want to - the email at the bottom of the page seems to be an email from Mr Burgess to you and Mr Manning on 28 September, and the subject is APHS. Is that Arthur Phillip High School?---It is.

The way I read this email is, at this stage, that is 28 September 2017, you have some type of role or interest in the Arthur Phillip High School, is that correct?---This was an invitation, this was the first invitation I had to provide some kind of assistance, yes.

40 Who gave you the invitation?---Well, Anthony Manning had asked me to come to a meeting. That's his email.

Right. Do you have any idea as to how Mr Burgess comes to send you that email on 28 September?---Maybe we had discussed it. I, I can't recall.

When you say "we", do you mean Mr Manning - - -?---Mr, no, Mr Burgess.

Did you know Mr Burgess before this?---Yes.

How did you know Mr Burgess before - and when I say "this", before this email on 28 September?---Mr Burgess was the first delivery director of
10 Health Infrastructure and I in fact identified him as a suitable candidate and Mr Rust employed him and so I had a fair bit to do with Mr Burgess and Health Infrastructure.

Do you know how he became involved in School Infrastructure?---No.

Did you suggest him to Mr Manning?---No.

Do you know whether Mr Burgess suggested you to Mr Manning?---No.

20 No, I see. In any event, you get this email and presumably there's some conversation, at least between you and Mr Burgess, before you receive this email on 28 September?---It appears so.

Are you able to assist is now, and I appreciate the time that you've told us you've gone back over your emails in the last couple of days, so maybe you'd be able to assist us, but what are you talking about in relation to the paragraph, "That tells me nothing about what I want to know." What did you want to know?---There must have been some document that I was shown and the document obviously, in my view, didn't really portray the
30 facts that you would be required to understand the health of a project.

Did you understand Mr Burgess to be tasked with putting some document together or something like that, did you?---I can't quite remember the sequence but Infrastructure NSW were going to do a health check on - and they did the health check on Arthur Phillip High because it was a fairly high-profile project that people understood was in distress, had a fair bit of political concern, and Infrastructure NSW were asked to do a health check. They did that in late January 2019. At some stage, and that could be the document we're talking about, but maybe it's a bit early, but School
40 Infrastructure were preparing a document to give to, to Infrastructure NSW setting out what their plan of fixing the project was and I certainly

remember, though it was later than September, it was more likely December/January, reading this plan put by, put together by the executives of School Infrastructure and it, it just wasn't a very good document at all. So, it could have been, it could have the early start of that document but this is October and what I do remember was December/January being concerned about the document.

I see. Could I - sorry, just before I move on. Who's David Riches?---David Riches is Infrastructure NSW.

10

Right, I understand that. Could I tender volume 4, page 121?

THE COMMISSIONER: As that's being done, Mr Darams, the email at the bottom, is there anything on the subsequent page or the preceding page which informs Mr Burgess' consulting company?

MR DARAMS: No, it's just this one page.

20 THE COMMISSIONER: Just that, all right. Very good. The email chain at volume 4, 121, commencing with the email at the bottom, wbconsultants, to Mr Manning and Mr Taylor, 28 September 2017, and completing with Mr Manning's email to Mr Taylor of 29 September 2017 re. APHS, which has been identified as Arthur Phillip High School will be Exhibit 419.

**#EXH-419 - EMAIL EXCHANGES BETWEEN MANNING, JOHN
TAYLOR AND WBCONSULT ON 28 AND 29 SEPTEMBER 2017 RE
'APHS' (VOL 4, PAGE 121)**

30

MR DARAMS: Mr Taylor, I apologise for this. I may have misunderstood or misheard what you said. In terms of the review by Infrastructure NSW, sorry, was that being undertaken in 2018 or 2019?---January 2019.

January 2019. So just looking at this date here, which is September 2017 - -
-?---Sorry, I got the date wrong. 2018, yeah. January 2018.

40 Your recollection now is that this correspondence that we've just been talking to you about occurred at about a time where you understood that in the following January there was going to be a review by Infrastructure NSW, is that correct?---I understood there was going to be a review.

Whether it was going to be - when and how, the, the details of it I didn't know. I just know there was concern that the health check was going to come up and Anthony in particular was concerned that the plan of fixing the project and, and documenting a robust plan of fixing the project hadn't been put together.

Hadn't been put together?---Something had been put together but it wasn't adequate.

- 10 I see. Just on that, could I ask that you be shown volume 4, page 122? So another sort of relatively succinct, if I could describe it that way, exchange between yourself and Mr Manning on the one part, but also seems to be involving Mr Burgess at the beginning there?---Mm.

Just noting Mr Burgess's email says, "My thoughts" could I just ask that you be shown the next page? Can I ask you, just this document here, is this your typing or do you understand this to be Mr Burgess?---I think it's Mr Burgess. I don't think it's me.

- 20 Just doing the best you can now, I assume this is all about Arthur Phillip. Is that correct?---It would be, yes.

If we could just go back to page 122? It looks like Mr Burgess sends his thoughts to you and Mr Manning. You then forward the document on to Mr Manning and say, "Anthony, we need to talk about what role, if any, you want me to take on the project"?---Correct.

- 30 Can you just help us out? Presumably, there'd been some discussion between you and Mr Manning about you having some role in the project. Is that right?---No.

No.---So could I, could I just explain? So - - -

- 40 Sure.--- - - - as you put that email up earlier, Mr Manning asked me to come a meeting with Mr Burgess in, it was September or October. And Mr Burgess had been given the task of trying to work with the executives to rectify some of the problems on Arthur Phillip. My involvement, from when I was first approached, by that, with that email, to I think sometime in February, was purely advisory. I had no, I, I was not remunerated. I had no formal position. So I'm probably asking here is if you want me to do more,

let me, tell me. As you saw, the email before, Wayne was getting very distressed with the project and his ability to do much with it.

That was your interpretation of the document?---That and other documents.

Could I just ask that you be shown 124, page 124? And just the rest of that email, so I just wanted to draw your attention. It seems that the reference to the health check, is that the shorthand for or did you understand that to be shorthand to the Infrastructure NSW health check?---Yes.

10

All right. Okay. Can I just ask you, just at this time, did you know what role Mr Burgess did or did not have, firstly, within School Infrastructure? Did you know whether he had any role in there?---(not transcribable) executive but I presume that he was being contracted to undertake this role.

Well, why do you say that?---Well, he's working on it, so he wouldn't be working on it unless there was some kind of engagement.

20 Sorry. I didn't mean that to be a trick question, either. I'm just wanting to know whether you actually know whether Mr Burgess had a particular role within School Infrastructure at this time?---There was no, there was no role other than on this project with Mr Burgess that, that, that I'm aware of.

And your knowledge of that comes from a conversation with Mr Burgess or Mr Manning and Mr Burgess?---I - - -

Can't remember?--- - - - no, I don't know.

Can I tender volume 4, page 122, 123 and 124?

30

THE COMMISSIONER: Yes. The email chain and attached documents respectively between Mr Taylor, Mr Manning and Mr Burgess again titled My Thoughts, and, as I say, the attached document, will together be Exhibit 420.

#EXH-420 - EMAIL BETWEEN JOHN TAYLOR, MANNING AND MR BURGESS ON 5 JAN 2018 TITLED 'E.I' AND 'MY THOUGHTS' (VOL 4, PAGES 122-124)

40

MR DARAMS: Can I just confirm this, so I've got this clear in my mind?
As at this date in December 2017, because you're querying with Mr
Manning, am I right in thinking at this stage, you're not actually engaged to
do any work in relation to the Arthur Phillip High School?---That's correct.

So you're not really in a position at this stage, am I right, in thinking,
because you haven't been engaged to make any assessments as to whether
or not the people working on the Arthur Phillip project or other employees
of the Department of Education or School Infrastructure, you can't make
10 any assessment of their skills, their capabilities or anything like that, can
you?---I think I would have.

Why? How?---From reading documents and, and discussions I had with,
with Mr Burgess and others.

So the views you formed, am I right, so did you form some views about the
people who were working in the department at this stage on Arthur Phillip,
December 2017?---In December? Probably not be December, no.

20 But if you had formed any views, it was based not upon any work you had
done, in particular. It would have been based only on things that had been -
- -?---Correct.

- - - reported back to you by Mr Burgess?---Yeah, but I didn't, as you said,
in December, I didn't, I didn't have an opinion, other than Mr Burgess had
expressed strong reservations about the project manager - - -

Who's that?--- - - - Roland somebody, on the project.

30 Who was that, did you know?---Somebody called Roland.

Roland, okay.---Mr Burgess expressed a lot of frustration, and I think he
was the person, had, had written the report that I had read and, and was very
critical of.

Right. I see. Could I then ask - - -

THE COMMISSIONER: Sorry. Just as that's being done, Mr Taylor, were
you aware of what Mr Burgess had done to arrive at his conclusions in the
40 document he gave you, in other words, who had he spoken to what he
examined, what did he based his opinions on?---He had spent a lot of time

on the project, auditing the project. The project had basically come nearly to a halt. There was very little activity happening on the project. There was a lot of contractual dispute. People were writing letters backwards and forwards. And he, he was trying to find a way to get the project back on track.

I guess I was trying to get some handle on exactly how much inquiries and investigations and so on Mr Burgess did. Did he speak to people? Did he simply review documents?---Yes, he, I, I believe he did extensive
10 investigations and talked to a lot of people, yes.

All right. And can I ask, and this is not pejorative? That's based upon what Mr Burgess told you about the process he undertook or did you know it from some other source?---The, the, the industry, scuttlebutt was, scuttlebutt the project was in, in deep trouble and that, certainly, I, if I remember rightly, there was a fair bit of press about the, the project. So certainly, I knew about political problems or political concern with the project. I, I can't remember how I knew that.

20 Look, that part I think is fairly straightforward and probably not contestable. Everybody's said pretty much the same thing. But I guess I'm trying to work out what Mr Burgess did, to find out where he thought the problems lay, which led to, in part, the thoughts he expressed?---Well, I think the, the, if you are able to eventually read the, the Infrastructure NSW health check report, it, it documents very, very accurately the problems of the project, and they related to project leadership and people taking responsibility.

One last question. So far as you were aware, who was the author of the health check report?---The one from Infrastructure NSW?
30

Correct.---Peter Morris was the lead of a committee that did the health check.

Thank you.---Peter Morris was a very capable project manager within Industry.

Thank you.

MR DARAMS: Sorry. I wanted to tender volume 4, pages 122, 123 and
40 124.

THE COMMISSIONER: I think we've done that.

MR DARAMS: We did? My apologies.

THE COMMISSIONER: That's 420.

MR DARAMS: Late in the week.

THE COMMISSIONER: It's Friday, Mr Darams.

10

MR DARAMS: It is. I'll use that. Could I please ask that the witness be shown volume 4, page 125? I just want to draw - I'll come back to these emails in a moment, but at the moment, I just want to draw your attention to the email a little over halfway down the page, "On 19 Jan" you wrote? ---Right.

I think a little while ago, you talked about some report that you had seen around this time. Is this email referring to that report you were talking about?---I presume so.

20

Just - - -?---Definitely. 19 January is, is a date that sticks out at me.

Do you know who the author of the report was? I mean, I'll come to another email in a moment, but do you - - -?---Well, I think the, the, the report that we're referring here to, I think was, was put together by, as I said, the project manager on the project, a guy called Roland.

I see. When you said the, do you see, "The plan has an organisation chart showing Roland in charge and Adele Khrieck as chairing the" - what's the PCG?---Project coordination group.

30

I see. "Present this to Peter Morris." Who's Peter Morris?---Peter Morris was the lead of the committee of Health, of Infrastructure NSW.

And you say, "He will roll around laughing." Why would he laugh?---Because the report was very naive and didn't suggest any real rectification method other than it, it, because I remember it made a whole lot of excuses why the project had got into where it had got to. It asks for another \$50 million, but with very little as to a substantial change in the organisation or how things would be put together to make it go better.

40

I see. And that last comment there, "Yes, I am not subtle," what's that in reference to? The roll around laughing comment, is it?---Sorry, what's the question?

You say, "Yes, I am not subtle." Is that to the roll around laughing, or is that around - - -?---It's around my language.

I see. I take it you call things as you see them.---I do.

- 10 Could I show you the next page, then, 126, just to - there are a number of people on this email chain, but it looks like there is a reference to some report, I think you were talking about why the report's not in evidence. But we see Mr Roland - is Roland Roland Marshall? Is that the one you're referring to?---Yeah, that'd be, that'd be right.

Yeah. I see. Do you know who this Joelle Jello is, of BlueVisions?---No.

No idea?---No.

- 20 All right. Okay.---Well, he's, he's, it says he's at BlueVisions. BlueVisions were the project manager on the project, so presumably he's an, an operative of BlueVisions.

Right, I understand that. I see. Could I tender volume 4, pages 125 and 126.

THE COMMISSIONER: Yes. The emails at volume 4, pages 125 and 126, including emails between Mr Taylor and Mr Manning, at least some on 19 January 2018, will together be Exhibit 421.

30

#EXH-421 - EMAIL EXCHANGE BETWEEN MANNING, JOHN TAYLOR AND MR BURGESS FROM 19 JAN 2018 FORWARDING EMAILS FROM 18 JAN 2018 (VOL 4, PAGES 125-126)

MR DARAMS: Could I now ask that you be shown volume 4, page 127. Just read this email, please. You just read that email?---Yes.

- 40 Is this one of the emails you've read in the last few days?---Correct.

Right, I see. So can we assume that by this time you were somehow engaged on behalf of School Infrastructure, is that correct?---No.

You're not?---I have to explain that. As I said, from that October date to around about this date - - -

Yeah.--- - - - I was working on, on, my belief is gratis, because I was a member of the board and providing advice. Then around about this date, we had - - -

10

Sorry, just pause there. Sorry, just so I'm, I don't want to, when you say up to this time you were working gratis - - -?---Yes. Well, I was paid 1,800 a month for being a member of the council. I would have got that money whether I did this or not, so - - -

Right.--- - - - in my mind, it's gratis.

Right. So all those emails up to this date, you're doing that because, what, part of the advisory council role?---Yes, correct.

20

Right. So is it changed from this date, though?---It did.

Right.---But I don't think it was conscious.

What do you mean, you don't think it was conscious?---Right. The, mid to end January, the report had come out from Infrastructure NSW agreeing that the project should be reset, the risk changed, the consultants, the lead design consultants being (not transcribable) across to the contractor, so that the whole structure of the, of the project would be changed. And I think, if I

30 remember rightly, just let me check a date. It was decided a little while before this, this date that a number of us would meet weekly and review how the rest was going.

So who was involved in that agreement?---Well, I know that it was organised by Mr McCabe.

Sorry, are you saying Mr McCabe organised you to meet weekly?---Correct.

When did he do this?---I think it was either late, no, probably mid-February.

40

And what are you basing that upon, Mr Taylor?---An email - - -

What record have you had regard - - -?---There's an email, email that - - -

Right. You've got the email, have you?---Yes.

Right. And the email's dated what?---That's what I can't remember. I'm just having a look. No, I haven't got it. I think it was sometime in February, when we were, we were trying to work out how the project could be reset.

10

Right. I see. Anyway, let's just focus on this email. You were talking about being gratis up to this point, but certainly from this point on you were expecting to get paid, correct?---I can't answer that.

20

Why not?---Because I, the evidence of me being paid was an invoice I put in seven weeks later for the seven, those seven weeks up to when I put that invoice in. And I technically did start at this date. I, I don't believe that I actually went into the role that I went into here, we can talk about it in a moment, thinking that I would get paid. Kind of, the more and more I got involved, the more time I would put in, and I probably, after a week or two, went to Anthony and said, "Look, I can't keep putting this time in unless I get paid," and he would have agreed. So I don't think, I don't think there was a kind of a formal conversation before I started putting the time in that I should be engaged. I probably just morphed into it.

30

Presumably at this point in time, so March 2018, you're some, some form of consultant, are you? I think that's your evidence before, you provide your service as a consultant, is that right?---Sorry, where, when, I don't follow the question.

I think I had understood your evidence earlier today that part of your, you provide consultancy services to public entities, correct?---Correct, yes.

Were you doing that around this time in March 2018?---To who?

Well, I don't know. To any particular - - -?---I, I can't tell you either. I don't know.

40

Did you have a, what about B A Taylor Pty Limited? Was that a company that you had at that time?---I do all my work through B A Taylor Proprietary Limited.

Yeah. And do you do your consulting work through that company?---Sorry?

Did you do your consulting work through that company?---Yes.

Yeah. All right. Well, just given the evidence you've said or you've just given just now, are we to assume, then, that there was no - and tell me if I'm wrong about this - - -?---Yeah.

10

- - - but no, can I just say this, documentation setting out the services that you would be providing to School Infrastructure, how you might be paid, how you might charge - - -?---Definitely. That's, that's why I - - -

Sorry - - -?--- - - - I said that I, I don't think that, when it, when it happened, there was any expectation of the time that I was going to put in or the fact that I would eventually be remunerated for it. I think we made a decision - - -

20 Who made, sorry, who's "we made a decision"?---The group - - -

Which group?--- - - - that met, that met on a regular basis on the project.

I know. Can you help me out who was involved in that, though? Who made this decision to engage you to provide services?---As I keep on saying, I don't think a decision was made to engage me.

Okay.---I think it was done in retrospect.

30 Well, so when you say you think it was done in retrospect, okay, let's just, let's just - - -?---Well, I obviously put it - - -

Let's just do the retrospective. Who made the decision retrospective?---The decision that was made was that I would be the lead negotiator with the contractor to reset their contract, and that was with Watpac, and the, and the decision was made I think a day or so before this that the discussions with Watpac hadn't gone, gone well, and that if we were really going to reset the project somebody had to take a role to reset the project and take the negotiations with Watpac so that we could change their contract and that
40 was also with Grimshaw, the architect. So the decision was taken that I would do that role.

I want to come back to this email in a moment, but can I tender volume 4, page 127?

THE COMMISSIONER: Yes. The email at volume 4, page 127 headed APS for Arthur Phillip High School from Mr Taylor, the email came to Mr Manning 6 March 2018, will be Exhibit 422.

10 **#EXH-422 - EMAIL FROM JOHN TAYLOR TO MANNING ON 6
MAR 2018 TITLED 'APHS' (VOL 4, PAGE 127)**

MR DARAMS: Could I ask that you be shown page 129 now? Did you see this email in the last couple of days?---What date is this?

27 April 2018.---Yeah. It's, oh, you've got a copy of the email. I presume this is the email, the invoice of the seven weeks at three days' a week.

20 Well, it will be when I come to it but I'm just asking whether you've looked at this in the last day or - - -?---Sorry?

I'm just asking you whether you've looked at this in the last couple of days. ---My battery's just gone in my hearing aid and I'm losing - - -

Oh, I'm sorry. Can you hear me?---I can just hear you.

Sorry. I was asking you whether you'd seen this email in the last few days?---I haven't seen that email. I've seen the invoice for seven weeks at
30 three days' a, a week. So presume that, I presume that's the invoice it's referring to.

Yeah. So, the next page, page 130.---That's right.

Yeah. So, if we just go back to page 129, the way I understand, whatever's happened, by this stage there is some understanding between you and Mr Manning that you would be charging for your services back to 5 March, is that right?---(NO AUDIBLE REPLY)

40 You'll have to say yes or no, it doesn't pick up nods.---Right. Sorry, can you repeat the then?

I'm so sorry. By this stage on 27 April 2018, there had been some understanding or agreement reached between you and Mr Manning that you would be charging School Infrastructure for services stretching back to 5 March?---That's correct, yes.

Is this the extent of the documentation you had at this stage, that is 27 April, in respect of your engagement?---No, there was no documentation with the engagement.

10

Can I just ask you this then? I mean, you're on the council of School Infrastructure at this stage, here's an engagement of someone to provide - - -

THE COMMISSIONER: Sorry, Mr Darams, just pausing there for a moment. We can assist with a hearing loop if that - Mr Taylor, we have a hearing loop which may assist. Do you want to try and - - -?---Yeah, if it's convenient. Unfortunately my, I haven't got a spare battery and it's gone, so, yeah.

20 And you didn't bring a recharger?---No, no, unfortunately.

All right. Well, what we'll do is we'll get a hearing loop.---Okay.

That may be simpler. Look, why don't we take a two- or three-minute break before the hearing loop comes back and that way we can all reset. All right. Very good.

SHORT ADJOURNMENT

[3.42pm]

30

THE COMMISSIONER: I understand, Mr Darams, we've had trouble locating a hearing loop?

MR DARAMS: Yes. So I think given that I've still got a number of questions for Mr Taylor (not transcribable) we thought it would be appropriate, given the time of the day, to adjourn.

THE COMMISSIONER: All right.

40

MR DARAMS: And, unfortunately, I'll have to call Mr Taylor to come back next Monday, but - - -

THE COMMISSIONER: Mr Taylor, can you hear me well enough? I'm sorry, Mr Darams. I understand what the situation - can you hear me well enough?---Yes.

10 All right. Look, I apologise but it's 10 to 4. There's probably a few more questions, so we're going to have to delay you a bit longer. Are you available on Monday?---Yes.

All right. Well, what I'll do, therefore, is then to adjourn your evidence until Monday at 10 o'clock. You're free to leave now. And perhaps we might do two things. You re-charge your batteries and - - -?---Yeah, no, I apologise for - - -

20 No, no, no, no. No apology is necessary. I mean, the answer is that things - - -?---Well, it's, as I said, unfortunately, I had two hearing aids. One broke when I was putting it in this morning. I thought it was on at 10 o'clock so I didn't bring any spare battery and it's gone, so I apologise for inconveniencing your - - -

You haven't done that. The truth of the matter is that those of us who have been involved in the law and its various permutations almost always understand that there will be delays, unfortunately. With the best will in the world, you say X time and it blows out. Perhaps a bit like construction? All right. Thank you, Mr Taylor, you can step down.---Thank you very much.

30 **THE WITNESS STOOD DOWN** **[3.52pm]**

MR DARAMS: Commissioner, just before you rise, can I just tender the part of the transcript that I took Mr Taylor to? So it's volume 7.13, page 387 and it's an extract of Mr Taylor's electronic recorded interview on 2 April 2025?

40 THE COMMISSIONER: All right. The transcript extract at volume 7.13 at 387, Mr Taylor's interview with Commission officers, will be Exhibit 423. So let me just mark that. 424? Is that right, 424?

MR DARAMS: 423.

THE COMMISSIONER: 423. So I was right. This is a rarity. All right. Exhibit 423.

**#EXH-423 - EXTRACT OF JOHN TAYLOR'S RECORD OF
INTERVIEW WITH COMMISSION INVESTIGATORS ON 2 APR
2025 (VOL 7.13, PAGE 387)**

10

THE COMMISSIONER: That's fine. So, yes, now just before we adjourn, Mr Hale, there's one thing that I'd ask you to assist me with perhaps on Monday?

MR HALE: Yes.

THE COMMISSIONER: Look, I've been following the correspondence between your instructing solicitor and the legal officers - - -
20

MR HALE: Yes.

THE COMMISSIONER: - - - from the Commission concerning the PID issue with Ms Donohoe. There's a couple of things I want to say now. I'm going to ask you for some help on Monday morning. As Mr Darams, I think, pointed out, at transcript page 23 and 24 of his opening, the relevance to the Commission's inquiry of the PID matter is limited to this, that is to say that in February 2023, I pass over some extraneous words or perhaps superfluous for my purposes, Ms Kathleen Donohoe was ostensibly made
30 redundant after making a public interest disclosure about conflicts of interest and various other matters within School Infrastructure NSW and then there's the statement that Mr Manning and Ms O'Brien were involved in this termination.

MR HALE: Yes.

THE COMMISSIONER: As far as I understood the opening, and this is my knowledge of our focus concerning that issue, the Commission will not or didn't intend to litigate or, in fact, to disclose what was in that public
40 interest disclosure and that will not be part of any finding, adverse or otherwise, against anybody. The relevance of that issue, as I understand it,

is that the potential allegation that by reason of some complaint, whatever its substance was, by Ms Donohoe against your client, that Mr Manning and Ms O'Brien took certain steps concerning her termination. So this Commission's not litigating the veracity of what Ms Donohoe complained about, but whether or not, as a result of that complaint, certain action was taken by your client and others. Now, that's the key.

10 Now, looking at your solicitor's email, she pointed to, perhaps in the last day or so, she pointed to the fact that you need this material to acquit the, our duty to procedural fairness, which we clearly have. So just to assist me, and we can return to this on Monday, so that I can fully understand what you're saying and perhaps recognise aspects which you will point out to me I haven't been able to recognise up-to-date, could you in a short document, dot point form, point out the issues relating to procedural fairness and that issue, which should exercise my mind in granting access to it, because, as I say, at the moment, the only relevance that the Commission has about that issue is not the substance of it, but the allegation that it was made and the allegation that there was some reprisal because it was made.

20 But I would be assisted and, as I say, I want to give you every opportunity to disabuse me of any misconceptions I have and to fill in any gaps that I have at the moment.

MR HALE: Understood. I won't respond now.

THE COMMISSIONER: No, no, of course not.

MR HALE: I could give a partial response but it's probably better I have a complete response all in one.

30 THE COMMISSIONER: Yeah, that's fine. And perhaps if you could prepare a short document and perhaps give it to Mr Darams or transmit it sometime before the opening on Monday, so that we all know what we're talking about, that would assist me greatly.

MR HALE: Yes.

THE COMMISSIONER: All right. Having said all of that, I wish everybody a good weekend and we'll adjourn.

40

AT 3.56PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.56pm]