

YANCEYPUB00831
03/07/2015

YANCEY
pp 00831-00904

PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION YANCEY

Reference: Operation E13/1916

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 3 JULY, 2015

AT 10.06AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Yes, thank you, Commissioner. I call Wendy Sheridan.

THE COMMISSIONER: Yes. Yes, Ms McGlinchey you appear for - - -

10 MS McGLINCHEY: Good morning, Commissioner, Ms Sheridan's in the witness box. I seek leave to appear for Ms Sheridan, Karen McGlinchey for the file. Just to shortcut Ms Sheridan will be affirmed and we seek a section 38 declaration.

THE COMMISSIONER: Thank you. Yes, Ms McGlinchey has leave to appear for Ms Sheridan. Ms Sheridan, I just need to ensure that you appreciate that the order under section 38 protects you from the use of your answers against you in civil and criminal proceedings but does not protect you should it be found that you've given false or misleading evidence. You understand that?

20 MS SHERIDAN: I do understand that.

THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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

THE COMMISSIONER: Can we have the witness affirmed, please.

<WENDY ANNE SHERIDAN, affirmed

[10.08am]

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Yes, thank you.

Would you please tell the Commission your full name?---Wendy Anne Sheridan.

10

And how do you spell Anne?---A-n-n-e.

Thank you very much. And what is your occupation?---I am, I work for the Department of Justice as a public servant in the Procurement Services section.

And what's your role within that section?---My role is senior procurement officer.

20 How long have you worked there?---In that particular role?

Yes?---It's a little bit murky because we've been under restructure for quite some time so I've been a clerk grade 7/8 substantively since I moved into the Procurement area which was probably around 2008 or '09.

You say a little bit murky because of the change in structure, what's happened?---Changing structure, changing job titles and acting opportunities as well.

30 You've given a statement the Commission in this matter?---I have, I have.

And you've had the opportunity of reading over that?---I have.

And making sure it's accurate?---Yes.

I don't have any further questions. Ms Sheridan has been made available for Mr Chalmers to ask questions.

40 THE COMMISSIONER: Right, thank you. Yes, Mr Chalmers.

MR CHALMERS: Thank you, Commissioner.

Ms Sheridan, you completed the statement on – oh, sorry, I act for Fatima Hammoud?---Sure.

You completed a statement ton 8 May, 2015 and in that statement you refer in late November 2013 to go into what you called a contract register?---The

contract register is the, it's a register that contains the tenders and the contracts that arise from those tenders.

Right. And so the main aim of that document isn't it for the – to get the RFT numbers and the, and the, the jobs that that refers to?---Correct.

10 Yeah. Now, when you went to that register did you – what – why did you go to that?---I went to it because Lydia Klement approached me. There was a file, a file review taking place. She was looking for a particular file and couldn't find it. In that review it was sometimes difficult as I understand to actually even know what the numbers were or would be. So I went to that particular document or file to check to see if there had been an RFT for the location, I can't remember know what that location was, and if it was in there, there was a column that had file, hard file number details and I thought I might find that information in the register.

All right. Now, when you open it up I think what you're saying is that – so are you just, are you just talking about one file?---Yes.

20 Okay. Okay. So only talking about one file and in relation to that there were a number – it was an Excel sheet so there were a number of columns with different headings. Correct?---A large number of columns, yeah.

Yeah. And do you recall there was, as well as the file number there was a column for the RFT number. Is that right?---Correct. Yes.

And was that there?---Yes.

30 Yes. So the RFT number was there. Was the, was there a file that gave you where the project was?---You mean the location?

Location of the project?---Not always. What went in to describe the RFT was the, the project description. So it could – sometimes it would be courthouse maintenance or something like that but more often than not there was a description in there that related it to a location.

Okay. And was that the case in relation to this file?---I think it was.

40 Yes?---But it's been a long time now.

And also there was a, there was the name of the project manager, is that right, in one of the - - -?---Probably.

Do you recall whether in relation to the file you looked at there was the project manager there?---I wasn't really looking for that. I was looking for the file number to find a file.

Right?---It probably was there but I can't say for sure.

And I understand that the, the – when the contract is issued the date of that contract tender is given in one of the files. Is that right?---Most likely. I've never been involved with that process.

Yeah?---And I've never really had to go and look for a contract in that way.

10 So could it be the case that in relation to this one file you looked at that all that information that I've given was there and the only information that wasn't given was the file number?---Most likely, yeah.

Yes. So that it would be easy to find out what the project was, who the project manager was and the dates that were involved?---Yes. Yes.

Is that right?---Yeah.

20 Yeah. And I think you looked in November, 2013. Is it the case that there was quite a lot of moving of files and reorganisation of files - - -?---Don't know - - -

- - - prior to November - - -?---I don't know about reorganising. There was a file review.

Yes?---Excuse me. And there were issues about where files were, who had them. File movements appeared not to have been recorded and it was difficult, I believe, to identify for some of the Asset Management work whether files had been created.

30 So were new files created and old files taken apart to try and resolve that problem prior to November, 2013?---There may have been but that wasn't my role.

Yeah. All right. And were you aware that – sorry. The RFT number is created when there's the form which is the tender selection process. Is that right?---Correct.

40 And were you aware that often when that form was completed that although an RFT number was given often the person who filled out that form didn't put in a file number, were you aware that that happened from time to time? ---Yes. Yes.

Yes. I have nothing further.

THE COMMISSIONER: Nothing arising, Mr Brady?

MR BRADY: No. Thank you, Commissioner.

THE COMMISSIONER: Yes. Thank you very much, Ms Sheridan?

---Thank you.

You can step down. You're excused.

THE WITNESS EXCUSED

[10.14am]

MR BRADY: Fatima Hammoud if the Commission please.

10

THE COMMISSIONER: Yes, Ms Hammoud. The oath that you took yesterday continues to apply as does the section 38 order.

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Ms Hammoud, yesterday I was asking you some questions about the \$75,000 you say your brother gave you. Remember that?---Yes.

10 Have you had an opportunity to be thinking overnight about the circumstances in which it happened that your brother gave you \$35,000 in cash one day and then the very next day he gave you \$40,000?---No, I didn't really think about it.

So you're in a no better position today to assist us with the circumstances that led to your brother giving you \$35,000 in cash on one day and then the very next you're getting \$40,000?---No.

20 Can't give us any idea at all why he gave you \$35,000 on one day and the next day \$40,000?---No.

When he gave you \$35,000 on one day what did you do with it?---I think I went to the bank and deposited it.

You think?---Yeah. Oh, I would've.

Do you have a recollection of going to the bank and depositing \$35,000 that your brother had given you?---Briefly, yeah, I do.

30 Sorry?---Yes, I do.

Which bank did you go to?---St George Bank.

Where?---Ah, I'm not sure which bank.

Well did you go to a usual bank?---Ah, I could've gone to any three of the banks I usually go to.

40 Which bank do you usually go to?---In Bankstown Square or Parramatta. If I was working it would be at Parramatta or Burwood where I usually go as well.

When you took the money to the bank, the \$35,000 no doubt the teller then had to count it?---Ah, yes.

Well just turn your mind to that for us if you can and see whether or not that helps you remember which bank you went to?---No. No, sorry. I just - I can't remember.

Did you stand there while the teller was counting it?---Ah, yes, from memory.

How did you take the money?---I think in my handbag, yeah.

How was it bundled up?---Ah, I can't, I can't remember.

What denominations was it?---Ah, 100's, 50's, I think. I really don't remember.

10 10's and 20's?---I really don't remember.

You don't remember whether there was 10's and 20's in and amongst the \$35,000 that you got?---No, sorry.

No idea?---No.

20 Did you count it before you took it to the bank?---Ah, gosh, I don't know, I can't – I don't remember.

Well did your brother tell you how much it was?---I can't remember seriously.

Had your brother given you this sort of large sum of cash before that?---Ah, no.

So this is the first time your brother handed over \$35,000 to you?---Yes.

30 Or even close to that sort of sum in cash, right?---Sorry, what was the question?

Had he ever handed you large sums in cash before that day?---Not that I can remember.

THE COMMISSIONER: Is this before or after you say your mother gave you \$53,000 in cash that belonged to your grandmother?---After.

After she'd given you the money your brother gave you the money?---Yeah.

40 MR BRADY: Seek leave to ask questions in relation to a transcript of 3 June, 2015?

THE COMMISSIONER: Yes, the suppression order made in relation to the transcript of 3 June is varied to extent of the following questions.

MR BRADY: I'll just get you a copy of a transcript if I can so you can follow it.

Can I show you this document. It's a transcript of evidence you gave in an examination on 3 June, you understand that?---Yes.

And you'll see there on page 279 the Commissioner was asking you questions about the \$35,000 and \$40,000, do you see that?---Yeah.

She says to you, line 35, "Well, how did you know there was 35,000 in the amount that your brother gave you?"?---Yeah.

10 See that?---Yes.

You say, "He told me this is how much it is."?---Yeah.

Does that refresh your recollection now that your brother told you it was \$35,000?---I'm saying – oh, he would of but I just, I can't remember the conversation.

20 Well, you see, the Commissioner actually says, "Well, how did you know there was 35,000 in the amount that your brother gave you?" and you said, "He told me this is how much it is." Do you see that?---Yeah.

Not saying he would have said that's how much it is are you?---I, I can't remember that conversation.

In that transcript you don't say he would have told me, do you?---No.

You say, "He told me", right?---Yes.

30 Does that refresh your recollection about whether your brother told you?
---Oh, I can't remember.

See, this was only – what day are we up to? About a month ago maybe, right?---Yeah.

Have you forgotten between then and now that your brother told you how much cash there was?---No, I knew how much the cash there was but I, I don't remember like on that day like.

40 Well, see you made it clear here didn't you, "He told me this is how much it is," that's what you say?---Yes, that's right.

Today you're saying you don't remember?---No, I don't, I don't.

So is your memory gone in relation to that conversation between 3 June and today?---Yes.

Right. You're then asked by the Commissioner, "Well, can you explain to me how bulky it was, how many parcels of money? Were there thousands

bundled up or were they, or was it simply loose notes in a bag or” and you say, “Yeah, it was just”, “What was it?” says the Commissioner, “It was just his savings so he had some bundled up and some just twenties, tens, fifties, hundreds that he’d saved over time.” Do you see that?---Yes.

Does that refresh your recollection about the sorts of notes that you were then given by your brother?---No, sorry.

10 Well, see, just a month ago you were saying twenties, tens, fifties, hundreds, right?---Yes.

Have you forgotten between a month ago when you gave that evidence and today how it was bundled up?---Yes.

How did you forget between then and now?

MR CHALMERS: I object, how can someone say how they forgot something?

20 THE COMMISSIONER: Well, yes, precisely. But look, in any event, Ms Hammoud, the evidence you gave on 3 June on your own admission was given at a time when you did recollect these events, is that right?---Yeah.

So you adhere to what you said there?---Yeah.

That that’s the way that the cash was provided to you?---Yeah.

30 MR BRADY: And even hearing that and seeing that it doesn’t refresh your recollection a month later that that’s in fact what the case was?---No, unfortunately, no.

So how was the 40,000 bundled up?---I can’t remember.

How did you know it was 40,000?---Oh, I don’t remember the conversation.

No recollection at all?---At all.

40 I’ll ask it in a different way, has something happened in the last month that would affect your ability to remember these things?---Maybe under the stress and pressure for the past fortnight.

So the stress and pressure has then affected your memory about conversations that took place last year?---Yes.

Even though you remembered those conversations only a month ago?---Yeah.

And even when you're reminded of what you'd said a month ago it still doesn't refresh your recollection because of the stress and pressure you're under, is that - - -?---No, I understand he did give me money but the conversation and how it happened I don't, I don't remember.

THE COMMISSIONER: But you accept that what you said on the last occasion was then within your memory?---Yes.

Right.

10

MR BRADY: All right. The 40,000 did you take that to a bank?---Yes.

Which one?---Ah, I don't, I don't recall which bank. It would've been the same three that I described.

A different bank than the one you took the \$35,000 to?---I can't remember.

And again did you stand there while the cashier was - - -?---Yes, yes.

20

- - - counting through the money?---Yeah.

Counting through \$40,000?---Yeah.

And you don't remember which bank that was?---No.

All right. Let me go back then if I can to your selection criteria. Just so I understand entirely what you were saying yesterday. You say that the whole process that you're undertaking in relation to this job was a practice?--Correct.

30

That you had no intention of actually trying to get the job?---Correct.

That the selection criteria that you were then filling out was not with the intention of getting the job?---Correct.

It was simply as a practice?---Yeah.

And in those circumstances you exaggerated your experience?---Yes.

40

You effectively made up your experience on occasions?---Yeah.

Your experience set out in the selection criteria wasn't accurate?---Ah, yes.

You agree with that?---Yes, yes.

Because the whole point was to practice meeting selection criteria whether you'd done that or not?---Yes.

So it would be wrong to say that attempted to make the experience set out in the selection criteria accurate. That would be wrong to say that?---Rephrase that question?

All right. Well, you agree with me, don't you, that the experience that was set out in the selection criteria was not accurate, right?---Ah, yes.

There is no doubt about that?---Yes, yeah.

10

Right. So it would be wrong to say that you attempted to put in that selection criteria and accurate reflection of your experience?---Some of it was accurate but most of it was with the help of Anthony.

It would be wrong to say that you'd tried to make it accurate, wouldn't it?---Ah, no.

20

Well you didn't try and make it accurate, did you?---No. Some of it – the accurate part was something that I worked through and then Anthony just helped write the rest of it.

THE COMMISSIONER: Look there's no magic in this?---I just didn't understand like what - - -

Well, all right, then we'll say it again. You've already admitted that much of the information was not accurate, right?---Yes, yeah.

30

So it follows, doesn't it that you didn't set out to make sure that the information, all the information in that application was accurate?---Yes, yeah.

That's right, isn't it?---Yeah, yes.

Right.

MR BRADY: An example of that is perhaps at 2567. Do you see that's part of the select criteria that you were filling out?---Ah, yes.

40

And you've indicated there "I have also had substantive experience of major works within the private sector"?---Ah, yes.

That's just untrue?---Yeah.

You then go on to say "I've been involved in the project management of the delivery of major refurbishments for a privately owned restaurant chain". That was simply untrue?---Correct, yeah.

That's just simply made up?---Ah, no. Anthony wrote that for me, so - - -

Was that made up?---Ah, I – for me, yes.

Yes. Not an over-exaggeration just simply made up?---Yeah.

And you say Anthony wrote that?---Ah, yeah, some of - - -

Well see wasn't the purpose of this for you to get practice - - -?---Yes.

10 - - - in filling out the selection criteria?---Yes, yeah.

So at the very least you were aware that was in there, right?---Ah, yes, yeah.

Because you were no doubt going through it with Anthony?---Ah, yes.

So you knew that going into your selection criteria was something that was just patently false, right?---Ah, sorry what was it?

20 Okay. You knew that was a lie?---Ah, yes.

It was also a lie to say my role was to develop and manage all the contract documentation including tender documents and schedules along with the actual – along with actual process management of the works through the project management principles?---Yeah, that wasn't accurate.

It was just wholly untrue wasn't it?---Yeah.

30 Can I go over to 2569. Just go down to the second – third paragraph there. You see there you're talking about your negotiation and conflict resolution skills?---Yeah.

Further demonstrated through strategic communication process relating to a particular issue that had arisen through the development within the court upgrade program?---Yeah.

Talk about the Chief Magistrate's office was reluctant to continue with closing courts that were proposed for development?---Yes.

40 You go on to say that you established formal meetings between all parties to resolve the issue through a strategic communication process. I negotiated with court and tribunal services and the Chief Magistrate's office to redistribute court sitting in a systematic process. Do you see all of that? ---Yeah.

Was that all untrue?---Yes, on my behalf.

When you say on your behalf, you didn't do any of that?---No. Like Anthony explained it to me and I said well why don't you do this and this but, no, I did not physically do it.

Okay. When you say Anthony explained it to you, you mean as he's helping you fill out the - - -?---Yes.

- - - selection criteria?---Yes.

10 What about the bottom paragraph. I've also had extensive experience in the areas of conflict resolution, in particular when it is related to variations from regional contract agreements. And then you go on to give an example of the delivery of the Camden and Picton Courthouses. Do you see that?---Yes.

Where the contractor you say in there was considering legal proceedings against the Department?---Yeah.

And you managed to formally stop those proceedings with roundtable discussions with the contractor?---Yeah, it's not true.

20

None of that was true either?---No.

Okay. Again I seek leave under – to cross-examine in relation to 3 June, 2015.

THE COMMISSIONER: Yes. That leave is granted and the variation made to the order that I previously announced applies to the extent of the following questions.

30

LEAVE IS GRANTED IN RELATION TO THE EVIDENCE OF 3 JUNE AND THE VARIATION MADE TO THE ORDER THAT I PREVIOUSLY ANNOUNCED APPLIES TO THE EXTENT OF THE FOLLOWING QUESTIONS

MR BRADY: Can I take you over to page 234 of the document that you have?---Page – sorry, what page?

40 234. Now, when you were giving this evidence you were giving it under oath weren't you?---Yes.

You knew it was important to tell the truth?---Yeah.

You no doubt say you did tell the truth?---What do you mean?

Well, did you tell the truth when you were under oath to tell the truth - - -? ---Yeah.

- - - last time we were here?---Yeah.

You did?---Yeah, except with this because when I went home and I looked at it I was like oh, okay.

Except with this?---Yeah. Like not as in I didn't tell the truth. At the time I thought what I had written was right but then I went home and saw what I had written and I was like okay, no.

10

Well, let me - - -

THE COMMISSIONER: I'm sorry. You are going to have to take this one at a - one step at a time because I don't understand what you mean by "with this". So perhaps if Mr Brady can ask you a series of questions we'll get there?---Okay.

MR BRADY: So you say don't you that this whole process of recruitment was practice?---Yes.

20

That was your intention from the word go?---Correct. Yeah.

There was no doubt about that?---Yeah.

You knew it was practice even when you were doing the, the selection criteria?---Yeah.

And doing your résumé ?---Yeah.

30 And that was always your intention?---Yes.

Because I asked you questions about this last time didn't I?---Oh, I don't remember the questions but yes.

All right. Well, let's go through it if we can. Do you see at line 28, do you see on the left-hand side there are numbers?---Yes.

And you see where 30 is, just above that?---Yeah.

40 Do you see that's talking about this selection criteria?---Yes.

And you know we're talking about selection criteria that we've been talking about today, right?---Yes.

And I say this to you, "So why go through with the selection criteria?" and you said this, "To practice." I asked, "Did you have to do that more than once?" You asked, "What do you mean?" "Well, did make more than one application for a position?" and you said, "No." I then said, "So when was

that application filled out?" You said, "Gosh, when it was advertised. May, oh, whenever it was, May, June, I can't remember." I said, "What was advertised? Was it a full-time position?" and you said, "I don't remember." I asked, "Don't remember whether it was temporary or full-time?" "God, I can't remember, yeah." And then I asked you this, "Now when you went through and filled out the selection criteria although you didn't think you would get the job did you set out your experience?" and you answered, "Yeah, yes." Right?---Yeah, yeah.

10 I then asked you this, "And obviously tried to do it accurately."?---Yeah.

And you answered, "Yeah." Do you see that?---Yes.

And then I asked, "And did so," do you see that?---Yes.

"That is and did so accurately, right?"?---Yes.

And you answered, "Yes," didn't you?---Yes.

20 From what you've told us yesterday and today those answers are just a straight lie aren't they?---Some of the experience was right but it was over-exaggerated.

Those answers are a straight lie aren't they?---I, I wouldn't call it, call it a lie but not accurate.

Well, what's the difference, you tell us?---Because I did some of the work but it was just over-exaggerated and some of the scenarios weren't right.

30 THE COMMISSIONER: Let me ask you this, when you gave the answer that you tried to address the, sorry, I withdraw that. When you said on 3 June that you tried to set out your experience as accurately as possible within the application did you know at the time that you gave that answer that that was wrong?---No, because I had, I couldn't remember what I had written like and then I went home and checked anything that I had.

MR BRADY: Sorry, you say you couldn't remember what you'd written in the selection criteria, is that what you're saying?---Yeah, and I thought it was accurate based on my experience.

40

You couldn't remember that in the selection criteria you had included the fact that you had been the project manager on a restaurant refurbishment? ---No.

You couldn't remember that you had over-exaggerated your experience, is that what you say?---That's right, yeah.

You couldn't remember that in fact a number of the things in there were simply made up?---No.

Well, haven't you been telling us that the reason why there was the over-exaggeration, the reason why things were made up was that was part of your learning experience that you were doing with Anthony?---That's right.

10 So the fact that that was what your intention was and that's what you did just completely slipped your mind when I was asking you questions about this on 3 June, is that what you say?---No, no.

It hadn't completely slipped your mind?---No. I knew it was a learning experience but I couldn't remember what I, what was in there, the content in there and I thought it was accurate so - - -

You say now that Anthony just filled out parts of that selection criteria, right?---Well, we sat together and typed it up and came up with scenarios.

20 Well, when I asked you about the major works on the restaurant refurbishment didn't you say that's what Anthony put?---He typed, he typed up that paragraph.

Yeah, you were making it perfectly clear that Anthony had put that in, right? ---Yes.

You see, over the page I asked you questions about this. I say, "All right, with the help of Anthony," do you see that?---(No Audible Reply)

30 You say, "Yeah, yeah."?---Yeah.

"How did Anthony actually do that?" "What do you mean?" "Well, you've said you got his help?" and you say, "Yeah, yes." "What I'm asking you is how did he help you?" You said, "We just discussed it and we typed it up and that's it." "When you say we discussed it and typed it up, did he give some input into what should go in it for example?" Do you see that?---Yes.

What do you answer to that?---No, that's wrong.

40 That is a straight lie on what you've told us yesterday and today, right? ---Not a lie, it's wrong.

You mean that's something else that just you forgot completely?---Yeah.

Because you actually go on to explain what it is that he did, "So how did he help you?" I said. "He just said these, these are the selection criteria. My advice is you apply yourself and see how you can answer the questions with the experience that you have and you think you could work through. That's it." Do you see that?---Yeah, which is exactly what we did.

THE COMMISSIONER: Well, but it's not – is it – because you've given us evidence today to the effect that Mr Andjic actually put particular features of his experience in the application to represent your experience, one being the development of the private sector shopping complex?---Yeah.

Well, then those two, those two questions and answers can't stand together. On 3 June you said that he didn't give you any input into what should go in it for example but today you say that he not only gave you the input but he
10 himself volunteered those features of the application?---That's correct.

Well, they're inconsistent aren't they?---Yeah, because after that day I went home and checked the selection criteria and that I was - - -

Did you have a copy of your application at home did you?---Yes.

MR BRADY: Are you saying that you had simply forgotten that Mr Andjic had put in parts effectively of his experience in the selection criteria that you filled out?---Yes.
20

You'd completely forgotten that part of the learning experience that you went through with him?---Yeah.

MR CHALMERS: Commissioner, just an objection, sorry, I'll get on my feet. On page 235 of the private transcript further down there are more questions and answers.

THE COMMISSIONER: Yes, there are we might get to those.

30 MR BRADY: Can I make it clear to Mr Chalmers I'm going to go to those and then over the page as well so Mr Chalmers might - - -

MR CHALMERS: I have no doubt you're going there but my point is that part of the criticism of my client is answered further in those questions.

THE COMMISSIONER: Well, that might be a matter for submissions, yes.

MR BRADY: And Mr Chalmers might want to look over the next page before suggesting that that is the case but – because then I go on to say, “Is
40 that all he said to you?”, do you see that?---Yes.

And you said, “Yes.” “So that's the entirety of the help he gave you?” I asked, and you said, “Yeah.”?---Yeah, that's what I thought at the time.

You mean, that's what you thought a month ago?---Yes.

That your recollection was that that was the entirety of the help that Mr Andjic had given you through this learning process the two of you went through?---Yeah.

And I say, “Nothing more than that?” and you say, “No.”?---Ah hmm.

Do you see that?---Yes.

10 And I said, “He didn’t help you with the answers to the questions?” and you said, “Oh, yeah, of course, because we – because that was the whole learning point.” Now when you’re answering that question surely you’re starting to turn your mind back to what actually happened when this selection criteria was filled out, right?---No, not really. Not when you’re under pressure.

So it didn’t jog your memory that in fact this whole selection criteria process was basically over-exaggerated and made up?---No, not, not at the time, no.

20 No memory at all - - -?---No.

- - - that it was over-exaggerated and made up?---Not at that time, no.

No thought that oh, my goodness, I’ve said yes, I tried to do this accurately, now that I think about it perhaps there was something that was inaccurate? ---When I went home, yes.

30 Then I ask you this, “Well how did he help you with the answers to the questions?” and you say “Oh, is that what you’re asking, how we actually physically sat down and wrote the – and answered the questions”? I said “I’m asking you how did he help with answering the questions”? “We spoke together, we sat down and we typed them up and that’s it”. At that stage it didn’t start to click? Yeah, and in fact we used a lot of his experience to put it in because we were just doing this as practice?---No.

40 And I said “When you say we typed them up, how did it happen, did you type it up did he read over it, what happened”? And you said “I can’t remember, I don’t remember”. The Commissioner then asked you the question “Ms Hammoud, a minute ago you said that Mr Andjic assisted you in terms of how you were to answer the questions”. Do you see that?---Yes.

And you said “Yeah, yeah”. Right?---Yes.

Even at that stage you hadn’t sort of remembered?---No.

In fact the whole process was really an over-exaggeration and made up?---No.

So the Commissioner goes on to ask this “So does that mean, if the selection criteria included for example, experience in procurement practices just for argument sake, did Mr Andjic say something to the effect of you should answer that question by pointing out that you’ve had experience and that you are familiar with the Department’s procedures”? And you said “No, no”. Right?---Yes..

10 And the Commissioner says “Well how was it that he helped you with the answers to the questions”? And you’ve given an answer, haven’t you?---
Yes.

And you’ve said this. “So it was structure wise” right, that’s what you answered?---Ah hmm.

So you, for example, you’ve put up a scenario and how you answered that scenario using the star rule. Where you have a situation, a task, the action and a resolution to the answer to the questions for the selection criteria?---
Yeah.

20 Do you see that?---Yeah. I remember that.

So even when the Commissioner is asking you “Well how did he actually help”? That didn’t jog your memory that in fact he put in a lot of his own experience and that what you put in was over-exaggerated and a significant part made up?---No.

Well you’re actually turning your mind to it trying to remember. You say how he actually helped, right?---Yeah.

30 That’s what you say happens here, right?---Yes, from what it says.

Well this is your answer, isn’t it?---Yeah. I remember that part, I do.

And you say that when you just said “So it was structure wise” and answered that, you say that wasn’t a lie?---What do you mean?

Well was that a lie?---What do you mean?

40 That the way he helped you was so structure wise?---No. That’s how we did go through the answers.

Well it was more than that though, wasn’t it?---What do you mean?

Well he actually put in his own experience in relation to some of it, right?---
Yes, yeah.

It was more than just structure wise that he helped you, wasn’t it?---Yes.

Because the Commissioner goes on to say this “So do I take it from that that he suggested that you might nominate a particular issue or problem that was relevant to the selection criteria and that you should address it according to what you’ve called the Star rule”? You see that?---Yeah.

And you’ve answered “Yes”, right?---Yes..

10 The Commissioner then says “So he said “Well let’s think of an example of something you’ve done and this is how you should respond”? Right?---Yes.

Is that correct, yes?---Yeah.

Then I’ve asked this question “Did he give you any assistance in the actual response that you then made”? Do you see that?---Yeah.

And what do you answer to that?---No.

That was just a lie, wasn’t it?---No. It was incorrect.

20 And do you say that even after going through that with the Commissioner asking you questions about how it happened, with me asking you questions about how it happened you just still had no recollection - - -?---No.

- - - that he’d put in his own experience and you’d over-exaggerated yours and made stuff up?---No.

Is that what you say?---Yeah.

30 So you went to the interview?---Yes.

And you got a letter inviting you to the interview?---I don’t remember the letter.

2571. Now, you see that’s an email from Mr Andjic to you?---Yes.

5 July, 2013?---Yeah.

Giving you notification of the interview?---Yeah.

40 Indicating who the panel members would be?---Yes.

Absolutely no indication in there that this was a practice?---Not that I can see, no.

Well, just make sure, satisfy yourself?---No.

No indication at all in your filling out of the selection criteria that it was a practice?---No.

No indication within your résumé that it was a practice?---No.

No indication in the letter that you sent in sending – applying for it that it was a practice?---No.

Why not if it was a practice?---I have no idea.

10 Well, you're the one doing it, right?---Yes.

You're the one actually doing this application?---Yes.

You say from the word go was a practice?---That's right, yeah.

Why not a single word about this being a practice in any of the documents that you tendered?---Because when I originally had the conversation with Anthony I thought that that was it like, it was understood from there.

20 THE COMMISSIONER: Understood by whom?---By Anthony.

What about everybody else?---I, I don't know. I didn't know like.

MR BRADY: Well, you knew at the very least there was going to be another person on the panel, right?---Yes.

Did you say to Mr Andjic at any time I assume they know that this is going to be a practice?---No. I just thought I would – I assumed in my head that obviously they both, both would have known.

30 Sorry?---I assumed they both would have already known.

You assumed that why?---That Helen would have also known.

Why?---I have no idea. Because if I spoke to Anthony about it and he's the convenor I would have assumed that she would have known as well.

So you say you thought Mr Andjic was going to pass on the fact that this was just a practice run to the other person on the panel?---Yeah.

40 And what about the other people who would be looking at the selection criteria, did you think it was only going to be two people and two people only?---What do you mean?

Who would look at the selection criteria when you put in an application for a job?---I have no idea who looks at the selection criteria.

Because this goes to the Department, right?---Yes.

You know it was going to go on a Department file, right?---Yes.

Well, what about other people who might come to look at it later, you didn't think it might be important to make it perfectly clear this was just practice?
---No, because it wasn't meant to go anywhere.

And that you – and make it perfectly clear that you weren't a legitimate candidate?---No.

10 THE COMMISSIONER: Ms Hammoud, there's something that arises from that. You see, at the point in time when you're going for this interview you know full well that as much as three-quarters of that application is in fact false, namely, your qualifications are false, your experience is false, a lot of what is contained within that application by way of addressing the selection criteria is simply false. You know all of that don't you?---Yes.

At the point at which you're walking into the interview?---Yes.

20 So unless you make absolutely crystal clear that this is just practice then you run the risk that people on that panel will accept that application as genuine and honest don't you?---Yes, I understand.

No, you understood it at the time didn't you?---Yes. Yeah.

And yet you said nothing?---I did at the interview.

You said it at the interview did you?---Yes, I did, yeah.

30 What did you say precisely?---My hand was broken and the conversation is why my, my hand was broken and then I said, "I'm here for experience. This is just a training exercise."

And you've heard the evidence from Ms Doherty that had that been said she would not have tolerated such a waste of her time. You've heard that evidence haven't you?---Yes.

What, you say Ms Doherty has just forgotten that conversation do you?
---Possibly.

40 MR BRADY: Well, when you said I'm here just for a training exercise, what do you say that Ms Doherty said back to you?---They didn't say anything. They just went on with the process and I don't remember what happened after that.

Well, do you say that she didn't say anything or you don't remember what it is she said?---I don't remember what she said after it or what happened after it, no.

Well, do you say that when you said I'm just here for a training exercise she said anything to you?---I can't remember. I don't recall anything.

Well, aren't you keen to ensure that this member of the panel understands this is just a training exercise?---I went in there assuming that they both already knew.

So you weren't keen to ensure that she knew because you just assumed she already knew?---Yeah.

10

Well, did you say anything to her then?---No. I didn't think there was a need to.

Right. Okay.

THE COMMISSIONER: Sorry, sorry. Five minutes ago you said that you, that you disclosed at the interview that this was just a practice run - - -? ---Yeah.

20

- - - for you?---Yeah. Correct.

Well, did you say that at the interview?---Yes, I did and then - - -

Well, a minute ago I thought you said that you didn't say anything to - - -? ---No, no.

- - - to her?---That was a question Mr Brady was asking. I said yes, I - - -

30

It's the same question I just asked. Did you say something at the interview?---Yes, I did.

You're absolutely sure about that?---I'm, I'm very sure because I remember my hand was hurting and it was broken and the conversation came up.

MR BRADY: Well, the conversation came up about your hand?---And that I was there for training and it was experience.

40

Right. And what I'm asking you is you were keen obviously to ensure that Ms Doherty knew that?---Well, it wasn't my responsibility for her to let her know. I just mentioned it.

MR CHALMERS: I'll object to that question. She's, she's given a statement as to what she said. That would mean that Ms Doherty knew that point so that question - - -

THE COMMISSIONER: Well, if we - - -

MR CHALMERS: - - - that question crosses - - -

THE COMMISSIONER: If we accept that it was said but anyway, let's go on.

MR CHALMERS: I mean that's a matter for the Commission.

THE COMMISSIONER: Yes.

10 MR BRADY: I'll do it in this way then. You say it's basically just coming up in terms of conversation about your hand, right?---Yes.

Well, did you make it perfectly clear in a formal way to Ms Doherty this was simply a training exercise, a practice run, I am not going for the job?---I can't say it was formal, no, because I assumed they both already knew.

THE COMMISSIONER: I don't know quite what that means but can I just ask you this, what was, what was the conversation about your hand - - -? ---How - - -

20 - - - how did, how did that come about?---Because it was very visible that my hand was broken. It was a conversation of how I broke my hand and the pain I was in and then I said I'm obviously here - I'm just saying what I would have - what the words - I don't know exact words but it was my hand, my hand is broken and how it happened and I'm here for training and - around the words I'm here for training and this is for experience.

30 It wasn't a conversation about the fact that your hand was broken and it might, you know, prevent you from taking up the position and therefore you were just, you know, doing the interview for the sake of doing the interview, it wasn't a conversation to that effect?---Similar, yes, similar because - - -

Oh, it was similar to that?---Yeah, it was around those words. This is for training and exercise. I'm here just to - - -

I know but what I'm trying to understand is do you say that that comment was made in connection with the fact that you had a broken hand therefore it would affect your capacity to do the job?---No, not affect my capacity to do the job.

40 Right.

MR BRADY: Did you say to Ms Doherty just something like this, and I'm not actually applying for the job?---No, not those words.

This is not a legitimate application?---No.

Why not?---As I said before, I came in there, had the assumption that they both already knew.

So no doubt the practice is done with the interview, right?---Yes.

Nothing left to do?---Not that I – no.

No need, for example, for your referees to be contacted?---I don't know if they were so - - -

Sorry?---I don't know if they were contacted.

10

After your interview you don't know whether they were contacted?---No. I had no idea.

Well, on what you've told us why in the world would they be contacted?---I don't know, you'll need to ask the person who contacted them.

Well, you say Mr Andjic knew this was just practice?---Yes.

You say you told Ms Doherty this was just practice?---Yes.

20

You say no doubt both of them therefore knew it was just practice?
---Yes.

Why would there be a necessity to contact your referees?---I don't know, I didn't contact my referees so I can't say.

Well, let me ask you this. Why would there be a necessity – I withdraw that. After the practice is done as far as you're concerned the practice is over?---Yes.

30

That is once the interview is done, right?---Yes.

That whole process is finished?---Yes, on my knowledge.

You wouldn't therefore after that provide details of referees would you?
---Well, if they were asked, yeah, I would.

Why?---I have no idea why they would ask for them.

40

No, why would you if they asked for them provide details of referees?
---I, I don't know.

THE COMMISSIONER: Who were your referees?---I can't remember. I have no idea.

MR BRADY: Why would you provide details of referees rather than saying that it was just a practice run?---I have no idea, maybe they wanted them for something, I don't know, I can't answer that.

I'll just show you an email. 2572. Do you see down the bottom on 9 July, 2013 - - -?---Yes.

- - - Mr Andjic is writing to you isn't he?---Yes.

9 July, 2013 is the day after the interview, right?---Yes.

The day after this practice is over, right?---Yes.

10

You say Mr Andjic knew full well that it was simply practice?---Yes.

Ms Doherty knew it was just practice?---Yes.

Mr Andjic knew that from the very word go that it was just practice?
---That's correct.

20

He says this to you, doesn't he, "Fatima, how are you? Hope you are well. Could you please forward to me your referees' contact details." Do you see that?---Yes.

He goes on, doesn't he, to say this, "So I can undertake the reference checks." That's what he said to you didn't he?---Yes.

No doubt bearing in mind what you've told us that came to you as a great surprise that Mr Andjic would want to undertake reference checks?---No, wouldn't come to a surprise.

30

Why not?---I thought that's normal.

What was normal?---Like giving reference checks. I don't remember what happened, like I don't even remember sending this email.

THE COMMISSIONER: We're not asking you if you remember, we're asking you to look at the document that's on the screen and accept that at face value Mr Andjic is asking you for reference checks but more to the point you send a reply and you provide them?---Yes.

40

Well, why?---I have no idea. I don't know.

You don't know why you provided references to Mr Andjic?---No.

You've got no idea why you would have done that?---No idea.

Do you think it might have been because you actually expected to get the job?---No, no.

That couldn't be an explanation?---No.

It's one explanation though isn't it?---Yes.

MR BRADY: Could it be you were actually applying for the job?

---No, no, no.

Well, what is the explanation then if it's neither that you're applying for the job or expecting to get the job that you end up giving Mr Andjic you referees for his reference checks for that job?---Well, how can I explain to
10 you if I don't remember sending the email?

THE COMMISSIONER: It doesn't matter whether you remember it or not, you have to accept that you sent it don't you?---Yes, I do, I do accept that.

Well, then give us an explanation for why you would do that?---I have no idea, I don't know why.

MR BRADY: You don't know why because what you're telling us about this practice run is just a lie isn't it?---No, it's not.
20

You were applying for the job weren't you?---No, I was not.

And the reason why you're giving reference, the referees so he can do a reference check is because you were hoping to get the job?---No.

And in fact - - -?---No.

- - - probably knew you were going to get the job because Mr Andjic was the one who was going to be recommending you?---No, I wouldn't have
30 asked him to help me if I, if that was the case.

Sorry, you wouldn't have asked him to help you if what was the case?
---If I wanted to go for the job.

Why?---What do you mean why?---Why wouldn't you have asked him to help you if you wanted to go for the job?---Because it was – the whole point was a learning exercise, there was no intention of receiving the job or even going for the job.

40 THE COMMISSIONER: That wasn't the question Counsel asked you. If you had genuinely been an applicant for the job why would you not have asked Mr Andjic to help you with the application, what would have been the project with that?---Oh, no, on many levels.

Well, tell us what they were?---Oh, I - - -

What would the problems have been?---Obviously because he's the convenor, a conflict.

Right?---The person hiring, I don't know the reasons, what the words are but yeah, it's not right.

MR BRADY: So you see there you've given three names?---Yes.

Do you see where you've given three names you don't say to Mr Andjic but you're not going to contact them do you?---No, no.

10 Why not?---I have no idea.

Because simply sending that back in those circumstances bearing in mind what the email was before surely you must be thinking he's probably going to contact these people?---I have no idea, I don't know.

Did you not want – sorry. You not only provide referees you also just confirm with him that if he can't get in contact with one of the above there's an alternative as well?---Yes, I see that.

20 No recollection of doing that?---No.

So can't tell us at all why bearing in mind this practice finished on 8 July you would also be providing an alternative?---No.

All right. Anyway, you say that the job never ended up happening in any event, right?---Yes.

How did you find out about that?---I think Anthony sent me an email, HR sent me an email.

30

Saying what?---I can't remember. It was an email from HR, I don't remember the email.

You see, why are you getting an email saying that the job's not going ahead if you made it clear to everyone you were just doing a practice run anyway? ---Because it was a system, I think it was a system-generated email, it wasn't an email from someone.

40 Well, did that not lead you to conclusion well, oh, this might be a bit of a problem that my made up resume and selection criteria is obviously in the system?---No, I didn't think about it, no.

So the entirety of your knowledge of this recruitment not proceeding was an email from HR which was a system-generated email do you say?---Oh, I, I don't know.

MR CHALMERS: Well, I object, that's not her evidence.

MR BRADY: That's why I added do you say, it's a question.

THE COMMISSIONER: Yes. Well, she can be asked what her explanation is for the email.

MR BRADY: Let me ask you this again. Do you say that the entirety of your knowledge of this recruitment proceedings not proceeding was a system-generated email?---Originally, yes.

10 And then what did you find out?---Something, something that Jamie wrote up that I found, I can't remember what happened but, yeah.

Something that Jamie wrote up?

THE COMMISSIONER: I'm sorry, I just need to ask what's a system-generated email?---It's like an automatic email from a program.

20 What, so you mean that the position was pulled by some automatic email response?---I don't remember but I think it was, it was either a system-generated email or from HR, I don't, I don't remember.

Well, but there's a big difference isn't there? I mean how could the system generate an email without some input from somebody who knew that the position was not going to be filled?---Oh, I don't know how it happens, I'm not familiar with that, with the system there.

30 But why did you say you found out from a system-generated email?
---Because that's how previously I used to find out about jobs and I was just assuming, it's either one or, one or, or the other, I don't remember.

MR BRADY: I think you were then just about to say something about a letter from Jamie?---Yeah.

What was that?---I remember I was working on something and I was looking for a file, I was searching for a file and then Jamie's letter popped up.

40 Sorry, you were searching for a file and Jamie's letter popped up?---Yeah. Jamie's word document.

THE COMMISSIONER: On your computer?---Yeah.

MR BRADY: What file were you searching for when Jamie's letter popped up?---I don't remember. I can't remember.

What was Jamie's letter that popped up?---It was a word document that he'd typed complaining about various issues.

How did that pop up?---It's because it was saved on the shared drive.

But how did it pop up?---Because when you, when you open a folder and you search for a name or something all the documents that have that word or name in start to load.

What, and actually load with the document open?---No, no. You click to see what – which one you're looking for.

10 Right. So you had to actually open that letter to see - - -?---That word document.

- - - to see what it was?---The word document.

What led you to doing that?---I was doing some, some work or something and it just came up.

Well, when you say it just came up, you actually have opened the document?---Yes.

20

What has led you to open the document?---Like I said, I was searching for a file, a word document and then a whole list of word documents came up and I was just clicking to see which one I was after.

Well how many word documents came up?---Ah, there's heaps. We have heaps of word documents in our folders.

So are talking hundreds?---I'd say under a 100.

30 And one of those that you actually opened just happened to be Jamie Maslen's - - -?---Yes.

- - - word document is that what you say?---Yes, that's correct.

Just happened to be Jamie Maslen's word document which was directed to the director of Human Resources?---Yes.

2573, if you would please Mr Thomas. So you just happened through complete coincidence to click on this document and open it?---Yes.

40

And when do you say you happened by complete coincidence to open this word document?---I have no idea. I can't remember when it was.

Well once you saw that this was a document headed to Amanda Williams, Director of Human Resources, did you continue to read it?---Of course I did.

Why?---Because it was on the shared drive and I just read it.

Why?---I was concerned where it was and what was written in there.

But once you see that it's from Jamie Maslen and it's to Amanda Williams, Director of Human Resources, why did you go any further?---I don't know.

Sorry?---I don't know.

10 What do you mean you don't know?---I don't know why. Obviously when I just looked at it I knew it was about me.

How did you know it was about you?---Because I read it.

Well before you read and you see it's from Jamie Maslen to Amanda Williams, Director of Human Resources, how do you know it's about you?--
-Because the first sentence "I am stopping the recruitment of the position".

20 THE COMMISSIONER: And this was a position that you didn't want anyway?---Yeah.

So why were you in the slightest bit interested in this letter?---Because I had two concerns, why is this document saved on the shared drive and why is he looking at CCTV video surveillance?

I beg your pardon, CCTV?---Yeah.

30 Where does it say CCTV?---If you scroll down, scroll up, "I am not aware that they do drive to work together and the security footage on Thursday, 4 July confirms this".

Well it says it would confirm it doesn't say that there's been any, any resort to looking at security footage?---Well how else would he know?

Well, sorry, why were you so sensitive about this?---Because how do you think I feel when someone's looking at surveillance of how you're coming to and from work?

40 Well what did you have to worry about?---Because it's all very uncomfortable.

Why?---Because it just - - -

Presumably you walk in the building every day, you see the cameras on either side of the door?---Yeah. But it just didn't, it just didn't feel right.

But you know the Department of Attorney-General and Justice is a sensitive portfolio, you would expect them to have cameras all over the building?---

Yes. I understand but there had to be reason for him to look at video surveillance.

What do you think the reason was?---I have no idea until I read this.

You had no idea until you read this?---No.

None whatsoever?---No.

10 Not even after you'd spent a weekend away with Mr Andjic a month before this occurred?---No.

Still didn't cross your mind why he might've been concerned?---No.

MR BRADY: How do you know about the fact that it talks about CCTV until you've read it?---Once I read it I assumed that he has been looking at -
- -

20 I was asking you why you read it in the first place?---Because it just popped up and then I saw that it was about – it was referring to the recruitment process so I just read it.

And again the question the Commissioner asked is “This was a recruitment process for a position that you were wholly uninterested in”?---Yeah. But that's not the point.

30 So why keep reading when it's something that in fact is about a position that you're wholly uninterested in?---Because it was about me. Like I was shocked.

You don't know it's about you do you, until you've read it?---That's right.

Well why do you even start to read it to work out that it is about you?---I didn't see an issue in reading it.

You didn't see an issue reading a letter that is from the Director of Asset Management Branch to the Director of Human Resources?---No. Well he saved it on the shared drive so - - -

40 So anything saved on the shared drive open slather as far as you're concerned, is that right?---Well, that's why it's there. And it didn't stop there. It's not like I just read it and did nothing about it.

THE COMMISSIONER: What did you do about it?---I went to my CPO and showed him what happened.

Who's your CPO?--- Steven Neill.

And what does CPO stand for?---He's our senior manager, ah, chief procurement officer.

And why did you go to him?---Because I felt very uncomfortable with what I had read and found.

And what did you say to him about this?---I said "I found this on the shared drive, what do I do about it"?

10 And what did he say?---He said "I need to speak to HR and then I'll get back to you"?

And did he get back to you?---No. I spoke to HR and they did nothing about it.

And you have a very clear recollection of all of these conversations?---Yeah. But I had various, various meetings with HR as well.

20 Ms Hammoud, as far as I can understand it, what you're maintaining throughout all of this is that at the point in time when you had this interview, you were not in a relationship with Mr Andjic. That's what you've been saying all along, isn't it?---Hmmm.

Isn't it?---Yes.

Well what are you getting so upset about?---Because it felt very uncomfortable.

30 Why was it uncomfortable? You had nothing to apologise for why was it uncomfortable?---Because of the way everyone made me feel on the floor.

How were they making you feel? Tell us what was being said?---Just rumours and them sneaking around and following me.

What rumours?---Rumours.

You don't think you were doing anything at all to justify what people were saying about you?---No. I was being absolutely normal.

40 Well you might've been absolutely normal but the point in issue is, were you doing anything to cause people to say things about you?---Not at all.

What about doing things to cause people to say things about you and Mr Andjic being in a relationship?---No. It was always about work, always.

Sorry, are you saying they were questioning your work performance?---I have no idea what they were questioning.

Well what, what were the rumours? What were the rumours? Tell us what were the rumours that were upsetting you?---That Anthony and I are in a relationship, that Alex and I are in a relationship, why is Fatima so close to Graham?

I see.

MR BRADY: This is 18 July that this letter comes, right?---Ah hmm.

10 Right?---I have no idea.

Can I go down to the bottom, in fact next page, 18 July, 2013. See that?---Yeah.

Even on your own version you're in a relationship with Mr Andjic at the beginning of August, 2013, aren't you?---Yeah.

Within two weeks of this date, right?---Yeah.

20 And you're getting upset because these people thought there were – because you thought there were rumours around about you and Mr Andjic?--- Yes.

And within two weeks you were actually, even on your version, dating him?---Yes.

Within two weeks you've taken him to meet your family?---Yes.

THE COMMISSIONER: So the rumours appear to have had some substance then?---Not – well, not at that time but from August, yes.

30 Oh, please. Come on, two weeks before you say that you were introducing him to your family. The rumours had substance didn't they?---Yeah.

MR BRADY: Well, surely if you weren't in a relationship with him you would have said – seen this and thought I'm not going to get in a relationship with him if it was upsetting you so much?---No, no, it didn't work like that. That's - - -

40 MR CHALMERS: Look, I object to that kind of questioning. That's speculative and on what basis.

MR BRADY: You're getting upset and you're getting upset about seeing this, right?---Yes.

And about the rumours of the relationship between you and Mr Andjic?---Yes.

And within two weeks you're actually, even on your version, dating him and introducing him to your family?---Yes.

Surely if you were getting upset about these rumours the last thing you'd want to do is actually give them substance?---Well, I can't help the way people think.

You can help the way you act though can't you?---Yes.

10 Well, in addition to showing that to your CPO what else did you do with that letter?---I sent it to Anthony.

Why?---Because I was just shocked when I read it.

Were you shocked that you'd been caught out?---No.

Were you shocked that in fact they knew that this recruitment process was basically a fraud between you and Anthony?---No, it was not a fraud.

20 Were you shocked because you and Anthony thought you had gotten away with it and you've been recommended but you realise that other people had stopped the process?---No.

You wanted to give him a heads up that in fact you had been caught out? ---No.

Well, when you sent it to him what happened then?---Like I said, I went to my CPO and went to my, my, my senior manager and to HR.

30 Well, what did Mr Andjic do though when you sent it to him?---I have no idea what he did with it.

Well, did he get on the phone to you and say what are we going to do about this?---I don't recall a conversation like that.

Well, do you recall whether there was a conversation?---I, I can't recall.

40 You have no idea today whether or not you had a conversation with Mr Andjic about this email that you say – or this letter you say caused you such upset?---No, because all I remember is what I did with it.

THE COMMISSIONER: Why did you give it to Mr Andjic at all?---I don't know.

You don't know why you gave it to him?---It was just the reaction.

Well, can I just take you back to something. You said a short time ago that the letter from Mr Maslen of 18 July, 2013 was sent at a time when you

were embarking on a relationship with Mr Andjic and that the rumours in the – the rumours that had upset you that are referred to in the letter appear to have some substance. Am I right so far?---Yeah.

Well, that was what we talked about a minute ago. 18 July is 10 days after the interview?---Yeah.

10 Do you mean to sit there and maintain that you were not in any kind of relationship with Mr Andjic 10 days before this letter went out?---I agree, yes.

What, in the space of 10 days it just sprang upon you did it?---Yeah.

MR BRADY: And of course you didn't say anything about this process because it was just all a practice run anyway?---What do you mean?

20 Well, if it's sprung upon you and that you had a – were having this burgeoning relationship and you were actually a legitimate candidate for the position, no doubt you would have had to declare that the person who'd sat on convenor you were having a burgeoning relationship with, right?---I didn't have a relationship with him at the time.

You'd gone to – away for a weekend with Mr Andjic hadn't you?---Yes.

Gone to a bed and breakfast?---Yes.

Shared a room?---We really didn't share a room but, yeah, one room.

30 Did you share a room?---Yes.

And you did all of that a month before this interview didn't you?---I don't remember the dates.

All right. 7 to 10 June, 2013. Does that ring a bell?---Yeah.

You went away with Mr Andjic to a bed and breakfast between 7 June and 10 June?---Yeah.

40 You took time off from work to go with him?---Oh, I don't remember but, yeah.

And you spent the weekend with him?---Yes.

But by 8 July you say you're not in a relationship with him?---That's correct.

By 18 July you say you're not in a relationship with him?---That's correct.

By the beginning of August you're introducing him to your family?---That's right.

Well, what happened?---I just thought like if I want to start a relationship he'd have to come and meet my parents.

Well, what led you to not being in a relationship when you're going away for the weekend in June, not being in a relationship on 8 July, not being in a relationship on 18 July and suddenly wanting to be in a relationship by the beginning of August?---I don't remember under what circumstances but all I remember it was during Ramadan and - - -

THE COMMISSIONER: I understood that Ramadan is in July - - -?---July.

- - - usually isn't it?---Oh, it's - each year it goes 10 days.

Well, 10 days either way?---Yeah.

But it's Ramadan now isn't it?---Yes.

20

Well, it's either early July or late July isn't it?---Yeah.

So could it have been early July or late July when you introduced him to your parents?---No, because it was towards the end because I remember.

On this weekend that you went to Port Stephens tell us what did you do all weekend?---It was mainly for whale watching.

Yes, I know but whale watching takes perhaps an afternoon or at the most three-quarters of the day. What did you do the rest of the time?
---Sightseeing.

30

So was there a car, did Mr Andjic have his car?---Yes, I think so.

And you drove up together did you?---Yes.

In the car?---Yeah.

And then when you weren't whale watching you were driving around Port Stephens in his car?---Yeah.

40

And you went out to dinner together?---Yes.

And I'm assuming that you went for walks together?---Yes.

And you had breakfast together every morning?---Yes.

And probably lunch as well?---Yes.

So you spent the whole weekend exclusively in his company?---Yes.

MR BRADY: But you weren't in a relationship?---No.

And then perhaps even by the end of July you were in a relationship?---No.
I remember it being August.

10 Does Ramadan run into August?---I think it was at the end or after
Ramadan. I don't remember the date, sorry.

Well, don't worry about the date so much just focus on the actual events.
Was it during Ramadan that you introduced him to your family?---I, I can't
remember. All I remember it was around Ramadan.

So how often around that June/July period of time are you speaking with
Mr Andjic?---I have no idea.

20 How often are you texting him?---I have no idea.

How often is he texting you?---I have no idea.

Regularly?---I'm not sure.

Every day?---I don't know.

Sorry?---I don't know.

30 Many times every day?---I don't know.

You just have no idea one way or the other whether you were texting each
other many times every day?---No.

What about in say February, 2013, were you texting each other many times
a day then?---Oh, I don't know.

Would there be any reason why you'd be texting many times a day then?---I
don't know.

40 Can we go to 2166. See there's the calls between you and Mr Andjic from
1 February, 2013 to 31 December, 2013, do you see that?---Yes.

On 1 February do you see the texts back and forth?---Yeah.

And go over to the next page and they continue, 1 February, 2013, texts
back and forth?---Yeah.

It wasn't about work was it?---I have no idea.

You see 2 February, 2013, texts back and forth?---Yeah.

It wasn't about work was it?---I have no idea.

No idea one way or the other whether you were texting Mr Andjic about things other than work?---No idea.

10 Any explanation at all for the numerous texts back and forth to Mr Andjic on 1 February, 2013?---No idea.

Okay. 2168. 3 February, see that, texts back and forth, over to the next page, texts back and forth, do you see that?---Yeah.

20 THE COMMISSIONER: I'm just wondering in terms of your recollection of what it was about, the phone locations indicate that the phones are in various locations so they're not all, they're not all from within the Parramatta district, does that help you determine whether or not you know what the subject of the text messages were?---No.

Well, it wasn't – it couldn't have been about work, could it?---I don't know. I can't say.

Well, you were on the same floor at work weren't you?---Yeah.

If you needed to speak to each other you could just walk over to his desk? ---Yes.

30 MR BRADY: And if we look over at the page that I've got there, 2169, do you see numerous texts back and forth on 3 February, 2013?---Yes.

Do you see on third column from the right, the times?---Yes.

See for example that texts going back and forth from 18.39 so 6.40 in the evening through to 21.04, do you see that?---Yeah.

In the evening, right?---Yeah.

40 It's not about work is it?---I have no idea what the texts were about.

THE COMMISSIONER: Well, if it wasn't about work what could it have been about?---I don't know.

MR BRADY: What about the one on 4 February, 05.35, do you see that? ---Yes, I see the time.

That's just after midnight, right?---Yes.

A text from Mr Andjic to you just after midnight on 4 February, 2013?

THE COMMISSIONER: It's actually from Fatima to Mr Andjic.

MR BRADY: Oh, I'm sorry, wrong way around. From to Mr Andjic?
---Yeah.

On 4 February, 2013 just after midnight?---Ah hmm.

10 It wasn't about work was it?---I have no idea what the text was about.

Well, can you give us some indication of what you might have been texting Mr Andjic about shortly after midnight?---I have no idea what it was about.

Because if we go over the page to 2170 he then replies just after midnight to you, do you see that?---Yes.

And then you send a reply to him just after that, right?---Yes.

20 And he replies back to you just after that, do you see that?---Yes.

And then you reply to him at 12.30 in the evening, right?---Yes.

That's not about work is it?---I have no idea what they were about, what it was about.

So on 4 February, 2013 you're texting back and forth numerous times, right?---Yes.

30 Including in the middle of the night?---Yes.

And then the texts start again from Mr Andjic to you at 7.30 in the morning?
---Yes.

And you're texting back at 8.04, do you see that?---Yes.

Those are not about work are they?---I have no idea what the texts were about.

40 Well, why are you texting Mr Andjic back and forth in the middle of the night?---Like I said I don't know what the texts were about.

You've got no idea today why you'd be texting Mr Andjic back and forth in the middle of the night?---At that date, no.

It's because you were in a relationship, right?---No, we were not.

Because we then see that there's further texts on 4 February don't we?

---Yes.

Including in the evening?---Yeah.

And then texts on 5 February?---Yeah.

Including over the page 2171, including then numerous texts in the evening?
---Yeah.

10 And then over the page 2172 including numerous texts in the evening on
5 February, do you see that?---Yes.

And then on 6 February?---Yes.

And we'll go over two pages of that to 2174 including in the evening, do
you see that?---No, sorry, what date?

6 February?---Yes.

20 And then it starts again on 7 February?---Yes.

Numerous texts on 7 February?---Yes.

Including, let's go to 2176, in the evening?---Yes.

What are all these texts about?---I have no idea.

Well, you must have some idea of why you and Mr Andjic are texting back
and forth numerous times every single day?---I have no idea.

30 You can't give us any idea of why this is - - -?---This is two text messages
of over two years ago.

Forget about what the individual texts say, just tell us why it is that you and
Mr Andjic are texting each other back and forth numerous times every
single day?---I have no idea.

THE COMMISSIONER: Well, did you share any interest with Mr Andjic
outside of work?---Yes, we both play soccer, we both - - -

40 And that was what, once a week or something was it?---Yeah.

Well, you didn't need to communicate every day for, up until midnight in
relation to that did you?---No.

What other interests did you share?---That his, he was a songwriter, about
music, similar interests, that we both work out.

So you were basically communicating with each other about your shared interests?---Possibly, yes. I don't, I don't know what the text messages were about, I have no idea.

Well, let me put it this way, it doesn't look as though you were an unwilling party in this very lengthy exchange of information so you were joining in with Mr Andjic in a very, very extensive dialogue over a significant period of time?---Yes.

10 Right.

MR BRADY: And doing so every single day?---Oh, I don't know if it was every single day but - - -

Do you want me to show you every single day?---No, no, it's all right.

You know it was every single day don't you?---I don't know but if you have the records it must be every single day.

20 THE COMMISSIONER: We might take a morning tea adjournment, Mr Brady, and we'll resume at 12.00, thank you.

SHORT ADJOURNMENT

[11.39am]

THE COMMISSIONER: Yes, Mr Brady.

30 MR BRADY: Yes, thank you, Commissioner.

In March 2013 you say you were definitely not in a relationship with Mr Andjic, right?---Yes.

In March 2013 you and he text back and forth every single day of that month didn't you?---I don't know but, yeah.

You'd accept we've got the records and we see that every single day that you text back and forth every single day, right?---Okay.

40 You text back and forth in March 2013 664 times didn't you?---If that's the number.

That's an average every single day of 21.5 times back and forth, do you appreciate that?---Okay.

You're texting Mr Andjic back and forth 21 times on average a day for the entirety of March. Are you able to give us any explanation why there is that

many texts between you and Mr Andjic at that time if you weren't in a relationship?---No, I have no idea.

The simple answer is this, isn't it, you were in a relationship?---No.

In April 2013 you say again you weren't in a relationship, right, is that right?---Yes.

10 In April 2013 you text back and forth every single day as well didn't you?
---I'm assuming, yes.

You managed in April 2013 to crack the 1,000 text mark back and forth, do you understand that?---Okay.

1,021 times you and Mr Andjic text back and forth in April 2013, that's what you did, didn't you?---I don't know but if they're the numbers.

That's an average of 34 every single day?---Okay.

20 The highest on one day was 70 texts back and forth between the two of you?
---Okay.

Are you able to give us any explanation at all why you and Mr Andjic are texting back and forth 1,021 times in a month if you weren't in a relationship?---I don't know what the, what it was about, no.

30 Well, don't worry about what the individual texts are about, just let us know if there's any other explanation why you and Mr Andjic are texting back and forth in excess of 1,000 times in a month if it wasn't because you were in a relationship?---No, I actually think that's normal, texting that much.

THE COMMISSIONER: Sorry, what was that, you didn't think it was normal?---I do think it's normal texting.

You think it's normal texting?---Yeah.

40 MR BRADY: Do you think it's normal texting a person every single, every single day, over 1,000 times in a month if you're not in a relationship?
---Yes, from my perspective.

Do you think it's normal to text a work colleague every single day over 1,000 times in a month?---Yes.

Do you say that you would have text other work colleagues over 1,000 times in a month?---Yes, if we were close friends.

Well give us an example of who you might've text over a 1,000 times in a single month?---I didn't say - - -

- - - who was a work colleague?---I didn't say I did. You said "Do you think you would"?

Well did you?---No.

Well did you text anyone other than Mr Andjic, for example Asset Management Branch over 1,000 times in a single month?---Not that I can recall.

10

Well did you text anyone else from the Asset Management Branch every single day between 1 February, 2013 and 7 June, 2013?---I don't know.

You don't know whether you might've text someone from Asset Management Branch every single day?---No, I don't know.

From the 1 February, 2013 to 7 June, 2013?---Why 7 June?

20

Because it was every single day between 1 February, 2013 and 7 June, 2013 that you text Mr Andjic?---I don't know.

Because you text Mr Andjic every single day between 1 February, 2013 and 7 June, 2013?---Okay.

You understand that, don't you?---Yes, I understand.

Including in March, 646 times and in April, 1,021 times?---Okay.

30

And you say you think that was just normal?---Yes.

Normal for a work colleague?---Yes.

Normal for a work colleague you weren't in a relationship with?---Yes.

You see the only two days between 1 February, 2013 and 8 July, 2013 when you had this interview with Mr Andjic that you didn't text Mr Andjic back and forth was 8 and 9 June. Do you understand that?---Yes.

40

Where were you on 8 and 9 June?---In Port Stephens.

So the only day that you don't text Mr Andjic back and forth are the two days that you're spending with Mr Andjic whale watching, having lunch, breakfast and dinner and walking with Mr Andjic. That's right isn't it?---Yes.

And you say, do you, seriously, that you were not in a relationship with Mr Andjic during that time?---Yes.

What would you call it?---We were very close friends.

Just very close friends?---Yeah.

Was he at that stage your closest friend?---Yes.

So you say you weren't in a relationship but during that period of time he was your closest friend?---Yeah.

10 And when did he become your closest friend?---I don't know. I can't remember.

Well was it for example before Triton got their first job being a project manager?---I have no idea. I don't know. I can't remember.

Was it before you say you saw your sister for the first time at the Department?---I have no idea.

20 Because your relationship in terms of being very close friends with Mr Andjic started in 2012, didn't it?---No. We were friends then.

You see in August 2012, Mr Andjic was texting you numerous times, wasn't he?---I don't know.

In September, 2012 he was texting you numerous times, wasn't he?---I don't know.

30 Well you were here, weren't you when Mr Andjic was giving evidence?---Yeah. But I don't remember like how often.

And in fact in August, 2012 you were going to lunch together, weren't you?---I don't remember.

Sorry?---I don't remember if we did.

Well let me take you to it, 282084. See that's 21 August, 2012?---Yes.

40 You see you're saying to him "I would love to go to lunch with you"?---Yes.

In August, 2012 you're going to lunch together with Mr Andjic aren't you?---Yes.

It's at least the start of the process of you becoming the closest of friends isn't it?---I'm not sure. I can't remember.

Mr Andjic then sent you a couple of songs didn't he?---Yes.

Might consider to be love songs weren't they?---I don't remember the content of the songs.

At all?---No, I don't.

You heard me read some out when I was in here didn't you?---Yeah, I do.

You know they were love songs don't you?---Oh, from what you're saying. I don't remember the songs, no.

10

By August, 2012 you're telling Mr Andjic that you miss him when the two of you aren't together aren't you?---Yes.

And in fact at 2095 you say this don't you, "I miss you AA!?"---Yeah.

That's AA, Anthony Andjic isn't it?---That's right, yeah.

And what he replies to you – sorry, 2094, "Missy, I miss you too. It actually hurts missing you this much. I miss you bigger than the sky. I closed my eyes and sent you a huge hug. Did you get it?" Do you see that?
20 ---Yes.

You were no doubt happy to receive that from Mr Andjic?---Yes.

You were in a relationship in August, 2012 weren't you?---No, we were not in a relationship at that time.

The very least in August, 2012 you were very close friends?---No, we were friends.
30

You wouldn't consider yourself then, if you were happy to receive a message saying, "Missy, I miss you too. It actually hurts missing you this much. I miss you bigger than the sky. I closed my eyes and sent you a huge hug. Did you get it?", you wouldn't say being happy to receive that led to you being very close friends with Mr Andjic?---We were friends.

Well, during that period of time when did it become very close?---I can't remember. I don't know.

40 Because at 2099, by 18 September he's sending you a message saying, "But once in your life someone comes into your life that turns your world upside down. That is exactly what you have done to me." Do you see that?---Yes.

By that stage you were at the very least very close friends weren't you?
---We were friends.

Well, when you get that from just a friend did that cause you concern?---No, not really.

Why not?---Because I know how Anthony is.

You knew him well enough to know that that's who he was?---Yes.

Because you were very close friends?---Because we were friends.

10 You see, at 2100. He sent you this didn't he, "One, I want you to know I am always and I mean always here for you no matter how much shit you might put on me or push me away. You mean too much to me." He sent you that didn't he?---Yes.

You were in a relationship at that stage weren't you?---No, we were not.

You say do you that you were – sorry, do you say you were pushing him away?---I can't even remember the situation. I have no idea. I don't remember these emails.

20 Well, because he goes on to say, "I swear to you this, I will die for you and with every beat of my heart I will do whatever you ask of me no matter what." See that?---Yes.

Well, it's clear as a bell isn't it from that that Mr Andjic is pouring out his heart to you, right?---Expressing his feelings, yes.

If at that stage you were just friends wouldn't that have caused you some concern that this man is saying, "I will die for you and with every beat of my heart I will do whatever you ask of me no matter what"?---No.

30 It's because you were in a relationship, right?---No.

THE COMMISSIONER: Ms Hammoud, what did you think Mr Andjic meant when he said "If HR got a hold of it I might as well look for another job but I don't care." He was referring as I understand it to Human Resources within the Asset, within the Asset Management Branch of the Department, is that right?---No, HR is just a business function within Attorney-General's.

40 Sorry, what does it stand for?---Human Resources, is that what you mean?

Yes, that's what I said?---Yeah.

Well, when he says, "Yes, it sounds too forthright and if HR got a hold of it I might as well look for another job," what did you understand him to mean? ---I don't – at that time I can't remember but from reading it now just expressing his feelings towards me.

Well, that's not what he says, he says, "If HR got a hold of it," which I'm assuming from the context is this email - - -?---Yeah.

- - - "I might as well look for another job," so he's expressing a fear or he's expressing an apprehension or an expectation that if Human Resources saw this email his job would be in jeopardy?---That's right.

Isn't he?---Yes.

10 Why do you think he's saying that?---I don't know, I really don't, I don't - - -

Well, can you think of an explanation as you sit here now why he thinks he might lose his job if Human Resources saw that email?---Maybe because he's expressing his feelings through an email and he shouldn't be, I, I don't know, I don't know.

MR BRADY: Was it because those feelings he was expressing showed that the two of you were in a relationship?---No.
20

Let me go to 2102. See that's another email from Mr Andjic to you of 11 October, 2012?---Yeah.

"I won't go into the sappy stuff because I know how weird that makes you feel." Do you see that?---Yes.

Had he been going into sappy stuff with you before and you'd expressed you're not into the sappy stuff?---I don't remember.

30 What were you doing on 11 October, 2012, do you have any idea?---No idea.

You see at the start he says, "I'm sitting here in bed at god knows what hour with a huge smile on my face just reminiscing the day we had and also knowing how tired you must be." Any idea what he was talking about?---I have no idea.

But he goes on to say, "I absolutely love being with you every minute of the day." Any idea what he was talking about?---No idea.
40

What about when he says, "From the reactions on your face to the wasabi burnt tongue," does that ring a bell with you then?---No.

No idea what he's talking about there?---Wasabi's food so it must be food.

No recollection of a time when you had a wasabi burnt tongue?---It was probably, what do you call it, sushi.

Do you have any recollection of it occurring?---Oh, we always eat sushi so I don't - - -

When you say we always eat sushi you mean you and Mr Andjic?---Yes.

Even back at that time?---Yes. Oh - - -

You were having lunch almost every day were you?---No.

10 How often were you having lunch back at that stage?---I, I don't, I don't know. I don't remember but we did go to lunch.

Did you go out to the theatre together?---Yes, we have been.

And that was before 8 July, 2013 as well wasn't it?---I don't remember when it was.

Did you go out to the theatre in January 2013?---I don't, I know we've been but I don't know when.

20

Did you go out to the theatre in – did you go out to the theatre together just after you'd come back from going to Port Stephens together?---I don't remember, we did go but I don't remember when.

Excuse my pronunciation but did you go to Cavalia?---Cavalia? I don't know if that was the theatre but we did go.

Cavalia under the white big top Moore Park in Sydney?

30 THE COMMISSIONER: It was like a circus event, is that what it was? ---I know we went to the theatre but I just can't remember which one.

MR BRADY: What was Cavalia?---I don't, I don't remember. I remember going but I don't know, I can't remember what it was.

And did you - - -

40 THE COMMISSIONER: Well it was, it was under a big top in Moore Park, do you remember going there?---No. I do remember going but I don't remember what it was or, I don't remember.

And you went with Mr Andjic, right?---Yes.

And you did so on 13 June, 2013, didn't you?---I don't know when the date, ah, yes.

Well the week following your getaway with Mr Andjic to Port Stephens?---Yes.

And you say even then you weren't in a relationship together?---That's correct.

10 THE COMMISSIONER: Ms Hammoud, can I ask you if, if you looked at the pattern of communication, all of these SMS's, the frequency, the period over which the communications took place, the weekend away, the trips to the theatre, the emails that went backwards and forwards and the content of the messages, all of that as an innocent bystander would you draw the conclusion that the two persons involved in those communications were in a relationship?---Yeah. It would like they're dating, yes.

Yeah.

MR BRADY: Did Mr Andjic come over to your house for the first time during Ramadan?---It would've at the end of – towards the end of Ramadan.

20 And did he come over more than once during Ramadan?---Yes, he would've.

How many times did he come over during Ramadan?---I have no idea.

Because was this the case that you couldn't really go out on a date because Ramadan was over when you decided to go into a relationship?---Sorry, what was the question?

30 Is this the case that you couldn't really go out on a date because it was Ramadan when you decided to go into a relationship with Mr Andjic?---No, that wasn't the case. I wanted to introduce him to the family before we became a couple or to my parents, sorry.

THE COMMISSIONER: You mean you wanted to introduce him to your family so that the fact that you were a couple became official from the family's view point?---No, for all of us. Like it was official to my – in my mind that that's when we started dating or sorry, became a couple.

40 Well if you had exactly the same amount of communication before you introduced him to your parents including the weekend away, the visits to the theatre, et cetera, and that level of communication both in content and frequency continued after you introduced him to your parents, the only distinguishing feature is the fact that you introduced him to your parents. Isn't that the position?---Yes. It would look like that, yes.

Can I just ask you, he came over more than once I think you said?---Yeah.

Did he come over for dinner at your parent's house?---Yeah. Towards the end of Ramadan he'd come over and break his fast with us. Sorry, come over and watch us or whatever, however it was.

MR BRADY: Now just going back to this recruitment. Obviously by 8 July you're still maintaining you weren't in a relationship, right?---Yes.

And you're maintaining that it was just for practice, right?---Yes.

You're maintaining that you weren't interested in the job, right?---Yes.

You had no intention of taking the job?---Yes.

10

And once the interview had finished as far as you were concerned that was it?---No, I was interested who ended up getting the role and what happened because we all sat on the same floor like.

So you were interested in who in fact was going to then get the job, were you?---Yeah, yeah.

Was it Mr Andjic who advised you that the, that the process was no longer going to continue?---I, I don't remember who it was.

20

Was it him that advised you that it was at least put on hold?---I don't remember.

You were interested you say on who was going to get the job?---Yeah.

Right. You didn't think obviously that you would be advised personally of the outcome though, right?---I thought they would do it out of process but I don't know.

30

Well, as far as you were concerned the process had finished from your perspective - - -?---Yes, from my perspective.

- - - at the end of the interview, right?---Yeah.

Notwithstanding you have then sent references. You've got no idea why you did that?---Yeah.

Let me show you a document. See that's an email to you of 11 July, 2013 from Mr Andjic?---Yeah.

40

See it says, "Dear candidate"?---Yeah.

"I would like to advise you that the recruitment process for the project development officer position has been put on hold in the interim"?---Yeah.

"I will inform you of the change – of any changes to the process accordingly." Do you see that?---Yes.

That's in relation to this job that you were not going for?---Yes.

That Mr Andjic knew you weren't going for?---Yeah.

That you made clear was simply a practice?---Yes.

That he knew was simply a practice?---That's correct.

10 And he's writing to you on 11 July, 2013 saying "Dear candidate"?---Yeah.

Well, no doubt you wrote back to him and said Anthony, you do know this was just practice for me?---No, I didn't think about it.

Didn't write back and saying thank you very much for letting me know it's put on hold in the interim but you know I was not a legitimate candidate?
---No. I have no idea what I replied. I don't remember this email.

20 What you wouldn't have replied is it that are you able to give me a rough time of when I will be advised of the outcome of the interview, you wouldn't have replied with that would you?---Maybe.

Well, in fact, that's exactly what you replied isn't it?---Yeah.

Why in the world would you reply in that way when this is a job that you weren't going for?---I have no idea but I was interested in who got the position.

Well, this is a bit beyond who got the position, right?---Yeah.

30 You're making it perfectly clear you want to know what the outcome is going to be?---Yes. So who got the position.

When I will be advised of the outcome of the interview?---Yes.

You're not surely suggesting that was simply I'd really like to know who gets the job?---I don't, I don't know because I don't remember sending this email so - - -

40 Well, read it now?---Yes, I understand but what I thought at the time would be different to what I'm thinking now because I don't even remember sending this email.

When you say what you thought at the time will be different from what you're thinking now is because it's absolutely obvious from that isn't it that you're asking when you will be advised of the outcome of your interview?
---No. I've said "of the interview". It doesn't mean it's my interview.

Whose interview would it be?---I wanted to know who got the position.

Why not say can you let me know who wins the position?---I don't know. I told you like, I don't even remember sending this email so I do not know.

Because it's clear as a bell from that isn't it that when you say "when I will be advised of the outcome of the interview" you're referring to your own aren't you?---I, I do not know. I don't know.

You went for this job didn't you?---No, I did not.

10

Well, how can you possibly explain this then?---I do not know because I don't even remember the email.

Well, whether you remember it or not how do you explain it bearing in mind your evidence previously that you had no interest in getting this job?---I have no idea.

THE COMMISSIONER: Ms Hammoud, did you discuss with Mr Andjic why it was that the position was being kept on hold?---Yeah, I did.

20

And what did he tell you?---I can't remember. That was when the whole thing happened when I found Jamie's letter.

Well, you spoke to Mr Andjic before you saw Mr Maslen's letter?---No, not regarding - - -

Well, Mr Maslen's letter was the 18th. That's a week after you receive this email?---Yeah.

30

Are you suggesting that at no stage in the course of that week did you discuss with Mr Andjic why the position was being put on hold?---No, I didn't, no.

So you're agreeing with me you didn't say to him, Andrew, what's going on?---Anthony, no.

Anthony?---No.

You didn't ask him?---I might of but I don't remember a conversation.

40

Well, this is your closest friend who's the convenor of the panel and you don't ask him?---No. I don't remember having a conversation.

Well, that's different not remembering, not remembering the conversation is one thing but you say you did not speak to him at all about this?---I can't remember, I, I don't know.

So you may have?---I may have but I don't know.

Let me just ask you this, on your own evidence Mr Andjic is your closest friend at the point in time where you were going through this selection process isn't he?---Yes.

So even if you weren't in a relationship he has a very, very glaring conflict of interest being the convenor of that panel doesn't he?---Towards myself are you - - -

10 Yes?---Yes.

Thank you.

MR BRADY: You then say you start this relationship in July/August, somewhere around there, right?---August, yeah.

Okay, August. And by December you're looking for a house together?---Yes.

20 By March you're engaged?---Yes.

By March you've bought a house together?---Yes.

So there's no doubt is there that in February 2014 you're in a relationship?---Yes.

And in fact not just in a relationship but looking to get engaged?---Yes.

30 Because you're engaged very shortly after February 2014?---Yes.

In fact you draw your bank cheque for the purchase of the house together on 28 February, 2014?---Yes.

So clearly by February 2014 if you are in a position where a conflict needs to be declared - - -?---Yes.

- - - you and he would declare one, right?---I don't understand your question.

40 Well, let's give an example. The interview process on 8 July, 2013, right, let's use that as an example?---Yeah.

If you and Mr Andjic were just about to get engaged at that time that would be a conflict situation wouldn't it?---Yes.

All right. So if you'd need to declare a conflict from a relationship no doubt that would have occurred in February 2014, right?---I'm not sure but, yes.

Because you went for a job, didn't you, in February 2014?---Yes.

You went for a job to become a clerk grade 7 or 8 didn't you?---Yes.

And you got that job didn't you?---Yes.

And part of getting that job was to do a selection criteria?---No.

To do resume?---Yeah.

10

To do an interview?---Yes.

And to provide referees?---Yes.

And what happens when you provide referees is that the people who are determining whether you get the job will then speak to a referee won't they? ---Yes.

20

You provided referees for that job didn't you?---I think so, yes, I would of.

You know so, don't you?---Yeah.

Who in February 2014 did you provide as a referee?---I'm not sure, I'll need to ask my previous boss.

You know exactly who you provided don't you?---No, I don't.

30

Would it surprise you if you realised that in fact you invited your husband to be your referee for that job?---No.

It wouldn't surprise you?---No.

Because you know you did?---No, I remember his name was on my, on the – when you submit your response but I'm not sure who I put like after the interview.

40

Sorry, you're not sure who you put down as a referee for this interview? ---Yeah, because there's – you do it twice, in order to submit an application you do it through Jobs New South Wales and then if you're short-selected, if that's the word, that's when they ask you for your referees.

Well, did you talk to your husband – or I think probably just fiancé at that stage was it, oh, did you contacted by these people in relation to the job that I'm going for?---I'm not sure.

Let me show you a document. Do you see that's a New South Wales Government Finance and Services document?---Yeah.

Do you see the name of the candidate is Fatima Hammoud?---Yes.

Do you see the date is 20 February, 2014?---Yeah.

That's eight days before you're drawing a bank cheque for the two of you to buy a house together, right?---Oh, I, I don't know the dates but I can see the date of that.

10 Do you want me to take you to the bank cheque?---It's all right.

You know it's basically at that time don't you?---Around that time.

You're just about to buy a house together?---Yeah.

Who's the name of your referee?---Oh, sorry, yeah, Anthony Andjic.

20 Did you when you gave Anthony as a referee to these people say but you need to know he's, we're buying a house together?---No, but the CPO knew he was my fiancé.

Sorry?---The, the old CPO knew that Anthony was my fiancé or partner at that time.

Who was that?---Rod Treadwell.

THE COMMISSIONER: What, you mean the person who was going to employ you in this job knew?---Yes.

30 How do you know that?---Because I told him.

MR BRADY: When did you tell him?---Oh, I don't remember.

Well, give us a reference to the time that you had the interview?---Oh, well, I can't remember but he does know that he's my husband now. Oh, sorry, then he knew that he was my partner.

Sorry, he knew as at 20 February, 2014 he was your partner?---Yeah.

40 Who else was on that panel?---I have no idea.

Well, was Rod Treadwell on that panel?---Yes.

And you say you let him know that Mr Andjic was your partner?---Yes.

You see when you actually accept the job you acknowledge don't you that you've read Code of Conduct in relation to the public service, right?---Yes.

Which includes conflicts of interest doesn't it?---If you, yes, if you – I'm not sure but yes.

Where does it show that Mr Andjic was your partner?---I'm not sure if it shows in this document, I don't know.

Do you say you actually gave a document to Mr Treadwell confirming that the referee you were putting forward to support your application for this job was in fact your partner?---No, there was no document.

10

Well, in what circumstances did you tell Mr Treadwell of this?---I don't remember but I, I know he knew that my referee was my partner.

You say I know he knew, did you actually tell him?--- Yes.

When?---I, I can't remember. It had to be around that time. I remember.

What circumstances?---I, I don't remember, I don't know.

20

Well, it's a fairly important thing isn't it to say that my referee is my partner?---Yes.

And you don't have any idea of the circumstances in which you told Mr Treadwell that?---No.

Was Mr Treadwell actually on the committee?---Yes, from memory he interviewed me.

30

Did others interview you?---I only remember him sorry.

Were there three people who interviewed you?---Yeah, for OFS it's usually three people.

Did you tell the other three my, sorry, the other two my partner is actually my referee?---No, because they didn't ask for my – on that day they didn't ask for it.

40

Did you think putting down your partner as a referee was an appropriate thing to do?---No, in hindsight, no.

Then why did you do it?---Because I had no one.

Why not?---Because I didn't want my boss at that time to know that I was leaving.

So you've put down your partner as your referee because you didn't know, want your boss to know that you were leaving?---Yeah.

And you had no one else to possibly go as a referee?---Not at, not, not anyone that knew the role or what I, what I did at Attorney-General's.

And you didn't think that Mr Andjic might be slightly biased in his approach to giving you a reference?---I can't answer that question.

Of course you can?---No.

10 Did you think - - -?---You'll need to ask him.

Did you think he might be biased?---No, I don't.

THE COMMISSIONER: What, you've just bought a house together and you're going for a job which I assume was at a higher grading than the job that you were then in so it would mean more money would it not?---Yes.

20 You don't think he might have been unconsciously influenced in providing a reference which would ensure that you would receive a higher salary?---Possibly, yes.

MR BRADY: When did you find out that your sister Fayrouz was doing work with the Department?---I think it was when I bumped into her at the office.

All right. Tell us what happened?---Oh, I don't remember. I just remember bumping into her at the office.

30 Yeah, well, tell us the best you can remember what happened when you bumped into your sister at the office and it came as a surprise to you that she was doing work for the Department?---Oh, I can't remember. I just remember it was in the office.

You have no recollection at all other than the fact that you bumped into her?---Yeah.

You can't assist us in the slightest with what happened?---No.

40 Well, did you say Fay, what are you doing here?---There was a conversation I do remember. I bumped into her, it was a quick conversation and then I went home. That's what I remember.

What was she doing there?---She said she was doing - I don't remember the conversation. I'm just trying to put words together. Something that she was doing work and - I don't remember what happened.

When was it?---Oh, oh God, I don't - I can't remember.

Well, was it before you started working with Mr Andjic?---Yeah, it had to be.

Before you started working with Mr Andjic?---Yeah. I'm assuming, yeah.

Why are you assuming that?---Because it just doesn't – I would have known earlier if I knew – if I was working with Anthony.

10 Why would you have known earlier if you were working with Anthony?---
Because I would have asked Anthony questions of what's going on, what help do you need.

Well, when you saw your sister there did you know what she was doing there?---Not at that time, no.

Did you ask her?---I don't remember the conversation, no.

I don't need it word for word but just in substance?---Oh, that she was - - -

20 Did you ask her what are you doing here?---No, I did. I go – I remember saying something along the lines what are you doing here, what, what work or something and she said some – I don't remember what she said. All I remember she's doing – helping out doing some works or – I don't, I don't know. I don't know what – can't remember what she said.

You knew your sister was a teacher?---Yes.

You knew she had no experience in construction?---Yes.

30 You knew she had no experience as a project manager?---Yes.

You knew she had no qualifications in construction?---Yes.

You knew she had no qualifications as a project manager?---Yes.

Well, why wouldn't you say to her what are you actually doing?---I don't know. I don't remember the conversation. I don't know.

40 Did it come as a great surprise to you to see your sister turn up at the Department?---No, I remember I was surprised, yes.

When did you find out the name of the company she was working for?---I think that was at Cessnock.

You mean at the courthouse?---Yes. Sorry, Cessnock Courthouse.

Do you say do you that you met your sister at the Department before that site meeting at Cessnock Courthouse?--- Yes.

So you knew she was going to be at Cessnock Courthouse?---I don't think I knew. I think I just saw her there. Like I don't remember what happened but I remember seeing her at Cessnock.

You see, wasn't your sister being there and doing work for the Department and being at Cessnock Courthouse for the Department all a great surprise to you?---Yes, it was.

10 And you don't remember really the circumstances about what happened?
---No. I just remember having a conversation with Anthony.

What did you say to Anthony?---Something along the lines what is my sister doing here.

What did Anthony say?---I can't remember the conversations and I don't want to make it up so I, I can't remember.

20 Well can I ask you this, did Anthony say "She's acting as senior project for SAFF?"---No.

You found out that she was acting as senior project manager for SAFF though, didn't you?---I knew she was working for SAFF but her role like I don't know.

Well when you say you don't know, why didn't you say to your sister, what are you doing for SAFF?---I don't know. I told you I don't remember the conversation. I can't remember.

30 Well do you say that you may have said "What are you doing for SAFF" you just can't remember it?---Yes.

Because you must've seen, mustn't you at various times, she was referred to as senior project manager, right?---Yeah. Through the past fortnight, yes.

Sorry?---Through the past fortnight, yes.

40 I missed that again. Through the?---Past fortnight, like this fortnight. Is that what you mean?

THE COMMISSIONER: No, we're talking about at the time?---I don't remember.

MR BRADY: Are you seriously suggesting the first time you saw her referred to as senior project manager was in the last fortnight while we've had this public hearing?---That's when I -- it hit me, yes. I didn't even take notice.

You mean that's when it hit you?---That's when I realised what she had – what the title was. I didn't really take notice of it during the time I was working with Anthony.

THE COMMISSIONER: Ms Hammoud, you were working with Mr Andjic on at least one day a week over this period, weren't you?---Yes.

And you were meant to be helping him, weren't you?---Yes.

10 And the thing that he was working on over this period of time that almost consumed him was the court upgrade program, wasn't it?---Correct.

And that was Cessnock, Picton, sorry, Camden, Picton, Cessnock and Cowra?---Yes.

Your sister's, your sister's appearance at the Department the first time you say you saw her?---Yes.

20 You said you bumped into her and then you went home?---Yeah.

Well when she got home did you say "Can you tell me a bit more about what you're doing"?---No. I don't remember having a conversation. No.

Well the fact that you don't remember it is one thing, is it likely that you would've asked her what she was doing at the Department?---Not that I can recall, no. I don't remember having – I don't know.

30 So you see your sister who as far as you're aware is a full-time teacher in your office building and you don't have any kind of conversation with her about what she's doing there?---I remember having a conversation when I bumped into her and that possibly could be where it came – where I - - -

Well what about at home, when she got home?---No. I didn't. No, I didn't ask, no.

And so you then saw her again at Cessnock Courthouse?---Yeah, yes.

40 And you had a conversation with her there, did you not?---Yeah. I did, yeah.

You were both at the same meeting, weren't you?---Yes, yeah.

And it was a meeting to do with Cessnock Courthouse?---Yes.

The program?---Yes.

And there was an agenda that was discussed at that meeting, wasn't there?--
-Yes.

And she was representing that she was a project manager, wasn't she?---
Yes.

So you knew that she was a project manager and she was working for SAFF
at that stage?---Yeah.

Right.

10 MR BRADY: And did you say to her "How are you doing this without any
qualifications or experience"?---No.

Why not?---I don't know. I don't know. Like I didn't ask any questions.

Why not?---Because we were -- I was there to help Anthony and get work
done.

20 Well wouldn't helping Anthony be able to say "Look I know you're
employing my sister and the Government's going to be paying them a large
amount of money but she doesn't actually have any experience"?---No.

That wouldn't be helping him?---No. Because my role was just to do
documentation not to assess what can and can't be done.

Part of that documentation then would be no doubt reviewing site minutes?--
--No.

30 Well what were you reviewing by way of documentation?---It was more like
project plans.

Project plans done by whom?---Myself.

Project plans including obviously seeing fee proposals and things of that
nature?---No. Because that happens before all of that.

40 THE COMMISSIONER: So are you that your role was reviewing
documents and the only documents you reviewed were the ones that you
actually drew up yourself?---I didn't review them. Like I tried to put them
together through the audit reports of the courthouses and then send them to
Anthony.

So that was the only thing you did throughout this entire process was
actually deal with documents that you yourself had constructed?---Yes.
Through Anthony's guidance and help.

And not once did you look at any single document that came from any other
person involved in this upgrade program?---No. I didn't review of that, no.

Well, whether you reviewed it or not are you saying you never saw a single document from anyone that was involved with this upgrade program, any, any project manager, anyone who was submitting invoices for payment, anyone who was writing emails about the progress of the works, anything at all?---You – I, I would only see the tender documents and usually addendums but not that I can recall, no.

Well, you couldn't have been much help to him frankly?---No.

10 Could you?---No, because it was more a learning thing so he'd explain how to do something and then I'd give it a go and forward it on to him.

Did it not occur to you that Mr Andjic was very much at risk in terms of his job prospects if it were to be discovered that he'd employed a project manager for a significant amount of money who had absolutely no qualifications? Did that not occur to you?---Not at the time, no.

Are you serious?---Yeah.

20 This was your closest friend?---Yeah.

The person who was your mentor at work?---Yeah. I didn't - - -

And you didn't think to say to him we've got a problem because you're employing a woman who actually can't do this job?---No, I didn't really - - -

You didn't say that?---No, no. I didn't understand the whole process of how they work so I - - -

30 That's just nonsense isn't it?---Yeah, in hindsight - - -

It's not in hindsight, it's just nonsense isn't it?---What do you mean, like I, I don't understand.

You didn't say anything to Mr Andjic because you knew perfectly well what your sister was doing, she had no qualifications but you were all getting the benefit of it weren't you?---No, not at all.

40 MR BRADY: Did you know that your sister was going by the name Fay Rouze?---I knew at the tender evaluation meeting.

Well, when you knew at the tender evaluation meeting she was going by the name Fay Rouze what did you do about it?---I can't remember, I don't think I did anything, I don't know. I can't remember.

You knew Fay Rouze was not her name, right?---Yes.

She was going by a false name, right?---Yes.

Well, what did you do?---I don't know, I can't remember.

You can't remember at all whether you even raised it with her?---That's right, yeah.

You don't know one way or the other whether you raised with your sister I don't know what you're doing but you're using a false name?---No, I don't remember.

10

One way or the other?---One way or the other.

Did you raise it with Anthony?---I remember having the discussion with him but I don't know what the circumstances or what we discussed about were.

You remember having a discussion with him about the fact that your sister was using a false name?---Oh, no, sorry, about Fayrouz being there.

20

Sorry?---About Fay being there.

About Fay being there?

THE COMMISSIONER: Mr Brady's question, Mr Brady's question was directed to whether or not you had a discussion with Mr Andjic about your sister using a false name, did you have that discussion with him or not?
---No.

30

MR BRADY: Why not?---I don't know.

THE COMMISSIONER: So not only did you not tell your husband that he was employing someone who couldn't do the job but you didn't tell him that she was using a false name?---No.

MR BRADY: Well, did you not want to find out from your sister why she was using a false name?---I, I don't remember, I don't remember if I did or didn't have a conversation with her.

40

Sitting there today you say you have no memory one way or the other whether you confronted your sister about using a false name in her dealings with the Department?---Yes.

Well, did you wonder to yourself, gee, I wonder why she's using a false name?---No, not that I can remember.

Didn't turn your mind to it at all?---No.

Because you know don't you that she then signed off on things using a false name?---Yes.

Well, at that stage when you knew that she was signing off on things using a false name did you think to yourself I wonder why she's doing that?---I might have but I just don't remember.

Well, it's a pretty significant thing isn't it that you find out that your sister is using a false name and signed off things for the Department for which you
10 work?---But I did not take notice of it. Like I, I didn't - - -

Look, you knew she was using a false name to avoid being linked to you didn't you?---No, I did not know.

You knew she was using a false name so it wouldn't be seen that you and Mr Andjic were giving them favours, right?---No, I did not know.

Well, when you were in this Tender Evaluation Committee and you're
20 talking about the Cessnock, right?---Yes.

You know at that stage that your sister is representing a company called SAFF?---Yes.

When did you find out she was representing a company called SAFF?---I can't remember but I think it was at Cessnock Courthouse.

All right. Well, when she's there representing a company called SAFF no doubt you say to your sister who is SAFF?---No, I didn't ask.

30 Why not?---I don't know.

What, you're just completely uninterested?---Yeah.

You are completely uninterested in who your sister is working for when she's then going to be working effectively with you and Anthony and the Department?---Yeah, I just didn't care who she worked for.

THE COMMISSIONER: This was a school day and she wasn't at school. Did you ask her why it was that she wasn't in her teaching position on that
40 day?---No. I would have just assumed she had a day off or - I don't know what I assumed but.

MR BRADY: Did you assume she was working for Mr Chacra?---No, I didn't know. I didn't know that.

Well, did you say oh, is this Shadi's company?---No.

Why not?---Because how would I supposed to – how am I supposed to know that?

You knew at the time didn't you that your sister was partners with Mr Chacra, right?---Yes.

You knew Mr Chacra was in construction, right?---Yes.

10 You didn't put two and two together and say oh, my sister's doing project management for construction with no experience or qualifications whatsoever. I wonder if it's actually helping out Shadi?---No.

Just didn't cross your mind?---No, because she's always had numerous jobs or more than one job at a time so it was just normal to me.

So is the normal thing that your sister was doing a project management job for construction when she had absolutely no experience or qualifications in either project management or construction?---At that time or do you mean - -

20

Yeah?--- - - - like in hindsight?

At that time?---It didn't cross my mind, like I didn't think about it.

And then you weren't even the slightest bit interested in - - -?---No.

- - - who then she was working for?---No.

30 Well, when did you find out that Mr Chacra owned SAFF?---At that tender evaluation meeting.

You say the first time you found out that Mr Chacra owned SAFF was at that Tender Evaluation Committee meeting?---Yeah.

Well, how did you find out at that stage that Mr Chacra owned SAFF? ---Because Fay disclosed it. I remember Fay having a conversation – there was a conversation about it.

40 Sorry, Fay disclosed it did she?---Yeah. There was a – I don't know if she disclosed it but there was a conversation about it.

Well, what was the conversation?---I don't remember. That she, she works for SAFF and something about Triton. I don't remember the conversation.

THE COMMISSIONER: Where was the Tender Evaluation Committee meeting?---In the meeting – I think in the meeting rooms at Attorney-General's. I don't remember where but it would be there because I don't go anywhere.

Well, I thought you said that the first time you knew she was involved was when you bumped into her at work?---Yes, that's correct.

And that was the Tender Evaluation Committee meeting?---No, that was way before that.

Oh, way before that?---Yeah.

10 So this is – so there's been contact in your workplace at some stage that was not the subject of any conversation with her about what she was doing there, then there was the meeting at Cessnock Courthouse where she appeared as a project manager and then there was another meeting at the workplace when you had the Tender Evaluation Committee?---That's right, yes.

And just tell me, over what period of time are we talking those three things occurred, was it weeks or months?---Oh, weeks.

Weeks?---Yeah.

20

Weeks that you had seen her in these various contexts and you never asked her what she was doing there?---No. I remember having a conversation with her about what she was doing at the office and then what she was doing at Cessnock.

Well when was that conversation?---Which one, sorry?

30 The one you've just referred to when you said "I remember having a conversation with her about what she was doing at Cessnock and what she was doing at the office"?---At Cessnock, at Cessnock Courthouse.

That conversation occurred at Cessnock?---Yes, yeah.

MR BRADY: So can I just clarify. What you are saying is this, is it, that the first time you knew that the company your sister was working for was her partner's company was the Tender Evaluation Committee meeting?---Yeah. From memory.

40 So you'd had these dealings with her over that period of time and never found out that in fact it was Mr Chacra's company?---No.

Never found out that Mr Chacra had any involvement in SAFF?---No.

Did you know by that stage that Mr Chacra was doing work for the Department?---No, not really. Like the first time I saw him was at, where was it, I bumped into him at a courthouse.

Camden Picton perhaps?---No. I never went to Camden and Picton.

Were you doing work on Camden and Picton once Miss Kent left?---I was helping Anthony but I don't remember what work it was.

Well you knew Triton got the project management job, didn't you?---No. I wasn't aware about all that. I just knew like the background to it.

10 Well was that because Triton had very little to do with Camden Picton upgrade?---No. Because I didn't understand how Capital Works worked all together.

Well surely you saw the name at least Triton while you were doing things for Anthony on Camden and Picton?---Not that I can recall.

Surely you saw that there were some emails from Mr Chacra to Mr Andjic in relation to Picton?---I can't – I don't remember.

20 You knew Mr Chacra was doing some work on Picton, didn't you?---I can't remember. I don't remember.

Well you knew Mr Chacra owned Triton, didn't you?---I knew he owned Triton when I saw him at one of the courthouses because of his shirt.

Well which courthouse was it?---I only worked on one, so it had to be Cessnock.

30 Right. Would it be fair to say this then that you knew Mr Chacra owned Triton when you went for the pre-tender site meeting?---Yes, that would be fair to say.

So by the time then that the tenders have come in you know Mr Chacra works – is Triton?---Yeah.

You see you're then involved in the Tender Opening Committee, aren't you?---Yes.

So by the time you're involved in the Tender Opening Committee for Cessnock you know that Mr Chacra is Triton?---Yes.

40 You know, don't you on the Tender Opening Committee that you need to declare a conflict of interest, don't you?---Yes.

Did you declare the conflict of interest?---I can't remember. I don't remember.

Why can't you remember whether you declared a conflict for your brother-in-law's company when you're doing the Tender Opening Committee?---Because I opened so many tenders. I can't remember.

Well how many, how many tenders did you open for your brother-in-law?---
One, it would've one.

MR CHALMERS: Sorry, Commissioner, I don't know that he was - - -

MR BRADY: At the time.

MR CHALMERS: Yeah. Yeah.

10

MR BRADY: No, my friend is perfectly right and it's a very valid
objection. You're now brother-in-law to very least at that stage you knew
he was your sister's partner, right?---Yes.

Well how many of those did you open?---I have no idea.

Well surely the one at Cessnock was the first time you were involved in the
Tender Opening Committee where you were opening a tender which
includes a tender from your sister's partner?---I can't remember.

20

THE COMMISSIONER: Well put it another way. Of all the Tender
Evaluation Committees that you've sat on there would be very few would
there not where you've had to declare a conflict of interest?---That's correct.

It's an unusual event, isn't it?---Very, yes.

But you don't remember it occurring on this occasion?---No. I don't
remember, yeah.

30 MR BRADY: You see you actually sign a form with the Tender Opening
Committee declaring conflicts, don't you?---Yes.

And you don't remember whether you declared the conflict in relation to Mr
Chacra?---With opening the tenders, no, I don't remember.

Well why wouldn't you?---Of course I would.

Right. So what we assume that you did?---I'm assuming I did, yeah.

40 Well what did you do with it?---I have no idea because I don't remember. I
don't remember. I don't remember it.

Well what were you supposed to do with it?---In general?

Yeah?---Or do you mean with that one?

No, in general. A Tendering Opening Committee, you have a conflict, you sign a declaration saying you have a conflict, what do you do with that declaration?---I think – oh, I don't remember the process.

Well, let me help a little bit. Tender Opening Committee is run by Procurement isn't it?---Yes.

It's not run by Capital Works is it?---No.

10 You therefore when you're doing the Tender Opening Committee are doing it in your occupation as a Procurement officer, right?---Yes.

Your inline supervisor is therefore the person from Procurement?---Yes.

If you have a conflict in the Tender Opening Committee you would need to go to someone from Procurement wouldn't you?---Oh, yes, it would be my manager, yes, yes.

20 Who was your manager at that stage?---Mr Martin Kuskis.

Mr Martin Kuskis?---Yeah.

K-u-s-k-i-s, is that right?---I, I don't know, yeah, yes, yeah.

So you therefore obviously went to Mr Kuskis and said I'm doing a Tender Opening Committee and my sister's partner is putting in a tender, I need to declare a conflict?---That would have happened or could have happened, I don't remember what happened so I don't know.

30 Why don't you remember whether or not you went to Mr Kuskis and said I'm declaring a conflict, my sister's partner is putting in a tender? ---Seriously, I do not remember, I don't remember the situation at all. I can't even remember the tenders.

Well (not transcribable) the tenders or otherwise, this is a situation where it is an unusual event for you to declare a conflict, right?---In general, yes.

40 This is the first time you would have had to have declared a conflict for your sister's partner being involved, right?---For a Tender Opening Committee, yes.

And you say you don't remember anything about what you did in declaring that conflict?---No, I don't.

Of course you didn't, right?---I do not remember.

Would you accept there's a possibility you just didn't declare the conflict? ---No.

You don't accept that's a possibility?---No.

You say you absolutely declared the conflict?---I can't say absolutely because I can't remember.

THE COMMISSIONER: There's only two possibilities, either you did or you didn't?---I don't remember, sorry.

10 So Mr Brady's question, namely that you're acknowledging it's possible that you didn't declare the conflict of interest follows from that answer? ---No, I would have – knowing how I work I would have declared something.

Oh, so you would have abided by the strict procedures?---Yes.

So we would expect to see a conflict of interest form that was lodged in relation to that Tender Evaluation Committee?---I would expect, yeah.

20 Right?---I don't remember anything so I, I can't say either way.

MR BRADY: And no doubt then we would expect you to have told Mr Kuskis?---Oh, I can't remember what happened, I don't know.

Well, you follow the proper procedure don't you?---Yes.

You're saying the way you work you follow the proper procedure?---Yes.

30 So no doubt you therefore told Mr Kuskis I'm on a Tender Opening Committee and my sister's partner is one of the tenderers?---In the scenario yes, I would.

And today you have absolutely no recollection of doing that?---No.

No recollection then of what Mr Kuskis' response would have been?---No.

But in any event you then went ahead and chaired the Tender Opening Committee?---Yes.

40 Well, did you think to yourself forget about declaring the conflict to someone else, perhaps I shouldn't sit on this?---Of course, yeah, in hindsight.

No, then. Did you think to yourself perhaps I shouldn't sit on this?---No, because I always assume that if it was approved or okay it would be okay to do it like.

All right.

THE COMMISSIONER: We'll take a luncheon adjournment shortly, Ms Hammoud, but the fact that you have a conflict of interest requires you to declare it doesn't it?---Yes.

Right. The point of declaring it is that someone gets to examine what the conflict is and decide how it should be managed?---Correct.

Right so far?---Yes.

10

With some conflicts of interest you can manage the conflict by allowing the person to remain in the process but perhaps limiting their role in some respect. Would that be fair?---Yes.

With other conflicts of interest that are just so glaring that they can't be managed the only thing you can do is remove the person from the process. Is that right?---That's correct, yes.

20

Well, where in that spectrum did it – did your particular position fit, i.e., when you were the convenor of the Tender Evaluation Committee?

MR BRADY: Opening Committee, Commissioner.

THE COMMISSIONER: Tender Opening Committee I'm sorry?---Sorry, what was - - -

30

How do you think you could manage your conflict of interest by remaining on the Tender Opening Committee, how were you going to do that?---Oh, by declaring it.

No, no, no, no, no, we've been through that. You declare it and then you determine how you're going to manage the conflict?---Oh, because there's another two members who are also part of the Tender Opening Committee.

Oh, so you think that by remaining on the Tender Opening Committee and there's two other members then the conflict has been managed in some way?---Yes.

40

Doesn't that assume that you've also told the other two members on the Tender Opening Committee that you have a conflict of interest?---Yes, it does assume that.

And you say you did that?---I can't remember what happened.

But you say that you followed procedure?---Yes.

So you say you must have done that?---I could of done that, yes.

Well, you must have done it?---I must have done it but I don't remember like what happened. I cannot - - -

But if that was the way that you were going to manage the conflict, i.e., declaring it to the other two members of the panel - - -?---Yes.

- - - then you must have done it?---Yes.

Quarter past 2.00, thanks.

10

LUNCHEON ADJOURNMENT

[1.16pm]