

YANCEYPUB00054  
22/06/2015

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pp 00054-00111

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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 MONDAY 22 JUNE, 2015

AT 2.05PM

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

THE COMMISSIONER: Yes, the brief of - - -

MR BRADY: I have the index for that brief and the index, and the brief is being given to the relevant parties.

THE COMMISSIONER: I'll mark the brief and the index Exhibit Y4.

10 **#EXHIBIT Y4 – FOLDERS CONTAINING OPERATION YANCEY  
PUBLIC BRIEF**

MR BRADY: Thank you, Commissioner. Thank you. And I wonder if Mr Maslen could come back to the witness box.

THE COMMISSIONER: Yes.

20 **<JAMIE BRUCE MASLEN, on former affirmation [2.05pm]**

THE COMMISSIONER: Yes. Yes, Mr Oates.

MR OATES: Mr Maslen, I represent Mr Andjic. You're no longer employed by the Department, by the State Government?---That's correct.

You're a contractor now?---Yes.

30 How did that come about?---My role finished with the Department of Finance. The people that I was working with, I completed the project, I had a difference of opinion with the leader of that project so I offered my resignation.

Who was the leader of the project?---That was Sally Ingram.

THE COMMISSIONER: Was that, sorry, within the Department of Finance was it?---Department of Finance, that's correct.

40 MR OATES: You're now there working as a contractor are you, as a subject matter expert?---Yes, my title is principal, asset management consultant.

Without going to too much detail what was the project you were engaged upon prior to your resignation?---With the Department of Finance?

Yes?---I developed the New South Wales Government Standards for Asset Management.

And prior to that you were in your substantive role?---That's correct.

When you took on his expanded role as acting director your staff increased twofold did they not?---Ah - - -

Well, those, those reporting to you? I'm not trying to trick you, I'm just - - -  
?---No, no, no, I'm - - -

10 - - - looking at the organisational chart been provided to us, you went from about nine people to having about 18 under your supervision?---Yes, that'd be about, that'd be the case.

And you said that you were working very long hours?---Yes.

I don't wish to prior into precisely where you live but how long was it taking you to get to work every day?---It takes me on a good ride an hour and nine and on a bad ride an hour and 17, I used to ride my bicycle to work.

20 Okay. And that's each way?---That's each way.

So together with your 16 hour days we're talking about an 18 and a half hour occupation on departmental business?---That's correct, that happened on, on the occasions, yes.

When you say it happened on occasions how, how, what, how many hours a day were you working normally?---Look, I'd say an average, an average day was 12 hours.

30 So a 14 and a half hour day?---Yes.

You had the usual obligations with respect to family I assume, sir?---I did.

Sporting, sporting events on the weekends or otherwise?---I was slightly blessed that only one of my children is sportingly inclined.

Lucky man. And how was your sleep being affected as a consequence of these long hours?---Like, like anybody it, it was suffering, yes.

40 I also don't mean to be offensive to you but I imagine there was a fair degree of stress involved in these two roles?---Yes.

And you expected half that stress to be relieved in the near future, that is in six weeks after you took the job as acting director but unfortunately it then continued for some time?---That's correct.

With expectations on a monthly basis that perhaps matters would be resolved?---That's correct.

In your previous roles is it fair to say that when something is important within the public service, particularly important, there'll be a written note made of that matter?---That's a fairly wide statement, I - - -

THE COMMISSIONER: I'm just going to say, Mr Oates, it's a fairly broad question.

MR OATES: It's a fairly broad concept, your Honour.

10

THE COMMISSIONER: Well, to say when something important happens in the public service, I mean one would have trouble - - -

MR OATES: That's all right, I'll withdraw the question and go, go this way.

A lot of management on a day to day basis is done orally, true?---True.

20

And an email has been a blessing in so much as you can communicate by email without some formal letter having to be written, it's a nice little stopgap between an oral conversation and an actual formal document in the form of a letter?---You could look at it that way if you wish, yes.

Yeah. Email is readily available in the Department?---Everyone has access to a computer.

You had access to email?---Yes.

30

Had access to the email addresses and – of your supervisor?---Yes.

Who was that?---My supervisor at the time was Jane – I'm sorry, I'm struggling to recall the name

Ridley?---Jane Ridley. My apologies. I have a couple of Janes that I know. I'm a bit confused. Jane Ridley.

And was she the assistant director of Corporate Services, director, assistant director general of Corporate Services?---That's correct, yes.

40

It's not a test as to whether you remember that but that, that was the role she effectively performed?---That's correct.

Did you complain to her about the matters that you told the Commission this morning of in evidence - - -?---Yes.

- - - delays by Mr Andjic?---Yes. We had discussions, yes, and I was seeking advice on, on – from Ms Ridley on, on how to manage those and

her advice was to go through and seek advice from the HR Department on these matters because they could potentially be serious.

How many times did you discuss these matters with her?---I, I couldn't say but I know there were numerous discussions with Ms Ridley.

Numerous. Five, ten?---I'd say that I had the opportunity to speak with, with Jane probably once every two to three weeks.

10 Yes, you spoke to her but did you speak to her about these matters every two to three weeks?---I would suggest that on most occasions yes, but we're talking about situations that started to arise further down into my tenure, of that six-month tenure so that would have been towards for instance the three month mark when things are – information was, was not coming forth.

20 So every two to three weeks after three months in the job you had a meeting, you spoke to Ms Ridley and on some of those occasions you spoke to her about these matters?---Yes, and I can't be accurate on those. I didn't keep a record of those. There were, there were discussions about many things.

Did you send her any emails about your difficulties obtaining information from Mr Andjic?---I believe I would have sent her emails, yes. When you say you believe you would have, do you have a recollection of them?---I have a recollection that I did send emails but I don't have copies of them, no.

30 Were you asked to provide copies when you were spoken to by the investigators?---I have – I don't work for the Department. I can't provide copies of Government documents.

When the ICAC investigators spoke to you and obtained the statements from you did they ask you to provide any copies of documents that you might have which could assist your recall?---They asked me if I had a copy of the old public works format that we used and I said I think I might but I didn't have that and I didn't – wasn't able to provide it.

40 Do you have any records of your days as the acting director?---No, not really, no.

When you say not really, do you mean yes or no?---The only documents I have are the standard documents people take home at the end of their, their tenure. I, I don't believe I have any, any documents that would be anything other than a personal nature.

Did you make any notes of your conversations with my client concerning these matters you say caused you concern?---These, these, these particular things, yes, I did.

Where are those notes, sir?---Those notes would be on my personal papers. Given the severity of those things I would have kept a record of any, any papers I've written down.

Where are your personal papers, sir?---They would be at my house.

10 So there are matters in your – there are documents in your possession which may concern these matters?---The documents in there are my recollection. I wrote down a brief of what I thought before I wrote them up and sent through my, my formal submission to HR.

Were you asked by the ICAC investigators whether you had any documents which might assist you in your recollection of these events about which you have given evidence?---I don't recall that.

Did you volunteer any?---No.

20 You didn't say to them look, I've actually got a note of that. I can, I can show you some contemporaneous record of my conversations with this gentleman and his inability or refusal to provide documents?---No.

Did you have reference to those notes before you made your statements, the three statements that have been provided to the Commission?---No.

So your statements are based upon your own recollection of events some two years prior?---Yes.

30 Were you given any notice by the ICAC investigators before the statement 29 January, 2015 was taken?---They made contact with me and asked me to come in. I, I can't recall the length of time between that, that contact and when I actually turned up. I can't recall.

Did you know what they wanted to speak to you about?---I assumed – yes. They, they said it's investigations into some irregularities at the Department.

That was the, that was the gist of the telephone call was it?---That was the gist of the telephone call.

40 And when you went into see them, I assume in their offices here, you were asked questions and a statement was prepared?---That's correct.

And that's the statement of 29 January?---That'll be correct.

And that's from your memory?---It's from my memory, yes.

And the same in relation to the two statements dated 27 April, 2015?  
---That's correct.

Were you shown documents when you were spoken to on 29 January or thereabouts in relation to the matters the ICAC investigators were raising with you?---I'd have to check the, the statement. I was shown documents. Whether it was at that time or subsequent I can't say but it'd be in the – a record of the, of the statement there, yeah.

10 Just based on your recollection do you recall being shown any documents when you first appeared here to make a statement on or about 29 January, 2015?---I believe I might have been shown some, yes.

When you say you believe, do you have a recollection of that or are you assuming you did?---I think that's what we're saying here, yes. My recollection is that I was shown documents during my time with those people, yes.

What, what documents do you recall being shown on 29 January or thereabouts?---Um, I was shared emails that transpired.

20 You've seen to the two emails that are attached to your second statement of 27 April, 2015 haven't you? They're the email trains that have been tendered in evidence today?---Yes.

Are you talking now about other emails?---Other emails other than those ones that were shown there?

30 Yes?---Look, the emails or the documents I was shown are clearly stated in those statements so if you want me to, to confirm what it is that's fine. I'd like to have it back with those statements. There was three interviews. Information was, was shown over three interviews. It's a bit difficult for anyone to remember exactly which particular email and which particular date was shown.

Could the witness be shown the three statements and the annexures, Commissioner.

MR BRADY: The witness has a copy of this statements as well as the two email chains that have been tendered.

40 THE COMMISSIONER: Thank you.

MR OATES: Just to assist you, Mr Maslen, I think you'll find the two emails which were separately tendered as exhibits today are referred to at paragraphs 47 and 50 of your second statement of 17 – of 28 April – 27 April I beg your pardon?---What were the paragraphs again please?

Paragraph 47 and paragraph 50. When I say second statement, I mean second statement as it appears in the brief. I don't know whether it was actually the second statement taken from you that day.

MR BRADY: The page reference at the bottom is 371.

MR OATES: Yes. Thank you, my friend. Okay. Were you shown any other emails apart from those two chains?---I can't recall. I can't recall. Without going over my statements I can't recall.

10

You're welcome to go through them, sir, and look and see whether you were shown any other, any other emails please?---Are you happy to sit while I go through them?

Yes, certainly.

THE COMMISSIONER: It's any assistance, Mr Maslen, in your first statement there's a reference to emails on page 337?---Ah, yes. Is that a question to that particular email?

20

MR OATES: Do you recall being shown a document then, sir?---I recall being shown many documents, yes. So if it's in that statement that would've been my recollection at the time, yes.

But you recall being shown an email dated 7 August, 2013 when this statement when taken from you on 29 January, 2013, 2015?---As I sit here right now I can't recall exactly when emails and which documents I was shown on which particular days. After that when it was fresh in my mind, yes, I would have confirmed that I was shown those.

30

Assuming you were shown that email and the two email chains which form a part of your second statement of 27 April, can you recall being shown any other documents?---Other documents, yes. I would've been documents such as signed off purchase orders, yeah. There were other documents being shown, yes.

Any other documents, sir?---There may well have been, I'll have to review the notes and confirm if you like?

40

Please look, take your time. Tell us how many there are?

THE COMMISSIONER: Mr Oates, is this a submission to the affect that, that there are other documents in existence that witness hasn't been shown or is it something else?

MR OATES: That goes to how he's compiled his statement, your Honour, Commissioner. Just testing, we're just testing where his memory might be.

THE COMMISSIONER: Well, yes. But where does that, yeah. I understand that. But where does that take us in terms, in terms of a positive case? What I'm trying to understand is where does this go? Does it go towards establishing according to your instructions that this witness doesn't have a complete recollection of his communications with, with Mr Andjic or is it something else?

MR OATES: That and other things, yes.

10 THE COMMISSIONER: Well I don't know how that necessarily relates to whether or not he was shown documents in the course of compiling his statement?

MR OATES: Your Honour, what I'm trying to – Commissioner I'm endeavouring to do is, is try to nail down the source of the material contained within his statements. He said didn't - - -

20 THE COMMISSIONER: Well the source that the Department of Attorney General and Justice as far as I understand it. The source of the documents he was shown - - -

MR OATES: No, I'm sorry. I meant – I meant the material contained in his statements. He didn't look at any of his own records, this is two years' on.

30 THE COMMISSIONER: All right. Well I mean can we get to the heart of it because let's just accept for present purposes that independently of the documents that are referred to in the statements themselves to which he was taken by others and whatever other documents are referred to in the statements are, if you like, a joint product of those documents that refreshes his memory and his memory of the events that he's related in the statement. Is that a fair summary?

MR OATES: Yes.

40 THE COMMISSIONER: Right. Mr Maslen, did you have any other – did you have recourse to any other documents other than the ones that you were shown in the course of making your statements when you compiled this material?---No. No, I didn't bring any information in and I gave my information on the question asked and in response to information I was shown.

All right.

MR OATES: Were you asked by the investigators to provide your password for access to the email system?---No.

I'll just take you back to that 29 January statement. Bear with me just a moment, sir. On page 337 under the heading emails, paragraph 33, the first of an email received by you from my client. He was responding to a request for information from you, wasn't he?---Yeah. That appears to be the case. Ah, yeah.

You weren't even the Acting Director then, were you?---I'm not sure. I'm not sure exactly the date that I handed over to Steve.

- 10 I'll take you to the front of your statement, paragraph 3, the statement dated 29 January, 2015, the last line between January and July, 13, I was Acting Director. See that, sir?---Which, which page, please?

Page 328 of the brief but it's the first page of your 29 January, 2015, statement, the last line in paragraph 3. Your tenure as Acting Director of Asset Management branch concluded on, I beg your pardon, in July 2013?--I believe but it may have actually gone a little bit longer. I'd have to check -- I don't have those records.

- 20 At the time you made this statement you believed that to be correct, didn't you?---I believed that to be correct, yes.

You signed the document as being true and correct, didn't you?---I believe that to be correct, yes.

Yes. You had an opportunity to read it - - -?---Yes.

- - - before you signed it?---Yes.

- 30 Did you read it?---Yes.

So absent of any other information we can assume, can't we, that that's an accurate statement?---That is my recollection that it was around about that time, yes.

- 40 So on 7 August when you received the email from my client detailing information requested, you were no longer the Acting Director?---I think we'd have to go and check the actual records so there may be a conflict of times there. If I was requesting information about that I can only assume that I was still sitting in that role in some capacity. Whether that was still in hand over or whether it was actual I can't, I can't recall.

I don't the paragraph refers you to sitting in that role either. The paragraph refers to you receiving an email. You see the distinction?---Do I have a copy of that - - -

Paragraph 33?---33 on what page?

Page 337 of the brief?---Yeah. Without seeing that email, I'd have to have a look at that email to see if the context was in a confirmation of a conversation prior or conversation in my capacity as still Acting Director.

Assuming you were still Acting Director as at 7 August, 2013, and that you're assertion in paragraph 3, that your tenure concluded in July, 2013. It would appear that the July, 2013 date is wrong. Correct?---We'd have to go and test that.

10 THE COMMISSIONER: Well I don't know, Mr Oates, it may not be. Because the problem is that Mr Maslen doesn't have the header of the email to know whether or not it was being sent to him in the capacity of Acting Director. I think that's the problem.

MR OATES: Can I indicate it's at 964 of the brief.

THE COMMISSIONER: 964.

20 MR BRADY: Perhaps he should be taken to it bearing in mind he's asked.

THE WITNESS: Can we go back to the previous note? If we have a look at that – looking at this is the email dated 7 August, it's cc'd to Mr Honeywell so I could only assume that Steve was actually in place as the acting director and I was after information perhaps in an acting, in my role as assistant facilities director again so that would probably accord with my recollection that I finished in July.

30 MR OATES: The essence of it being though that you requested information and it was provided to you, wasn't it?---Yes.

Your familiar with the workings of the Finance Department when you were the acting director?---Finance the Asset Management Branch need to work together, yes. I have some, some understanding of finance but I'm not a financial controller. I rely, I rely on Finance to assist me with finance matters.

40 Is it fair to say that for information about financial matters you'd go to Finance for information about the actual project of a job, progress of a job you'd, you'd go to my client?---No, it's not fair to say that, no.

Well, Finance was the best place to get information about the financial application or financial matters involving a job wasn't it?---The project manager should be aware of the financial matters of his project at all times.

I just need you to direct your attention to my question if you don't mind. Finance would be a better place to get information about financial information concerning a job than my client, true?---No.

They have access to all the figures and spreadsheets et cetera, whatever they need, don't they?---They may or may not.

You stated earlier today that you were told by my client that Ms Fatima Hammoud was going to be the person who was recommended for the job, do you recall that?---Yes.

Did you make any record of that conversation?---I can't recall.

- 10 Where did you normally keep your written notes, how did you keep them?  
---Written notes in a, in a notebook or they may have been by email.

So when you say a notebook can we go to that first of all, was it like a Spirax pad such as I'm holding up?---Yes, it's likely.

And no criticism intended but a non-accountable document within the Department, you didn't have to hand it in at the end of the, as being completed and for it to be stored did you?---No.

- 20 No. It was something you either bought yourself or you obtained from the stores department and you made notes in it, true?---Yes.

Do you still have those notebooks?---Oh, I, I'm, I'm sure there's a few of those in, in notes, yeah.

You had them in your personal possession, yes?---I have to go through what I do have, I couldn't confirm or deny what I do have. I haven't looked for years.

- 30 Apart from, I'm sorry?---I haven't looked for years.

Apart from making a note about those, in that sort of journal you said by email, do you mean by an email to yourself or an email to somebody else?  
---If it was irrelevant that – relevant that it went to somebody else, yes, the notes would be either to the person I spoke to or to some other authority such as the HR Department.

Did you sometimes do emails to yourself as a method of record-keeping?  
---Not that I recall.

40

And you have no recollection of making a note of this disclosure made by my client concerning his soon to be wife being the recommended person for the job?---I never had a discussion with him about his soon to be wife being making that recommendation, no.

About Ms Fatima Hammoud being the person to be recommended for the job?---The record, how that record was recorded I can't recall.

Let's just go back a bit. You say that my client told you after the interview process that Fatima was to be the person he recommended for the job?  
---That's correct.

Did you make a note of that?---I can't recall.

10 You were surprised?---I don't know if surprised is the right thing, the right way to express it, is that I, I found that suspicious because of the people I knew that were involved in that process and that they should have had more claim to the position.

You knew that she was a low grade officer in Procurement, true?---True.

You were suspicious about the propriety of such a recommendation?---I was suspicious about how that decision could be made.

But you can't recall actually making a record of it?---No.

20 Did you report it to Ms Ridley?---Yes.

When did you do that?

THE COMMISSIONER: Mr Oates, this witness has given evidence that he, that he actually sought the assistance of the HR Department in order to determine whether or not he had the authority to as it were stop the recruitment process.

MR OATES: Yes.

30 THE COMMISSIONER: I'm just trying to understand again where this is going. Is it being suggested that these conversations didn't occur?

MR OATES: Yes.

THE COMMISSIONER: All right. Go on.

40 MR OATES: Do you recall sending Ms Ridley an email about that conversation you say you had with my client?---I recall informing Ms Ridley either by email or verbal and, and informing the HR Department in writing that I had concerns and asking for advice.

When you were told this or supposedly told that by Mr Andjic did you ask him how could that possibly be, she's a low-level clerk in Procurement?  
---My recollection of the conversation that I wanted to see all the information so I could make an assessment. As the director the, that was my role, was to either approve or accept or reject those recommendations from the committee.

So I take it you didn't say to him how could that possibly be the case, she's a low level clerk in Procurement?---I don't recall having that conversation.

Well, let me suggest to you that he didn't tell you at any time that she was the recommended person either by him or anybody else.

10 THE COMMISSIONER: Well, Mr Oates, I'm sorry, I have to go back to this, the witness has already been referred to page 2573 in the brief which was a memo that he himself did to the director of Human Resources where this very subject is dealt with.

MR OATES: Yes.

THE COMMISSIONER: Well, then I come to this, if the memorandum on 2573 and 2574 are you saying that there is no history to what's set out in that memorandum, in other words that none of the conversations with Mr Andjic occurred prior to Mr Maslen sending that memorandum?

20 MR OATES: Correct.

THE COMMISSIONER: But you don't dispute the existence of the memorandum?

MR OATES: No, we can't, we can't go to that.

THE COMMISSIONER: Yes, all right. Go on.

30 MR OATES: Can you answer that question, sir?---Can you repeat the question?

Certainly. My client at no time said to you that Fatima Hammoud was the preferred person for the job?---That's not my recollection, I believe he did and if he didn't do that I'm trying to work out how I could possibly put this train of events into place.

He did tell you, however, that she was on a shortlist for the job didn't he? ---He told me all the people that are on the shortlist for the job.

40 He told you that she was on the shortlist together with two other people? ---Yes.

Do you think it could have been then that your suspicion was aroused about Fatima Hammoud being a potential winner of that position?---My position and my concern about that was when he told me that she was going to be the recommended applicant, that's what I stated.

When he told you – sorry, do you accept that he told you that she was going to be interviewed for the job, she was on the shortlist?--- Yes, I accept that.

Didn't raise any concerns with him then about the potential inappropriate state of her experience or incomplete experience?---She's perfectly entitled to, to go through that and that's what the recruitment process does, it determines whether that – it's not really for me to say that – or pre-empt anybody's application for a position.

10 Well, that statement allows for the right of any person to apply for a job. What I'm talking about is a stage further on where there's a short list created?---Yeah.

Yes. You must have been concerned then when he told you she was on the short list that she was actually on that list. How could she possibly be there if she's a low level clerk in Procurement?---There's a recruitment team and that's their role to do that and then they make a recommendation to the director for approval and at that time I can do an assessment on the information provided. It wasn't necessary for me to intervene at that stage particularly when - - -

20 You had no concerns?--- - - - some of the people on that committee were from the HR Department.

Sorry, I didn't mean to interrupt you?---Sure.

You had no concerns?---No. No.

30 None that you verbalised?---My concern was ensuring that we had the right person for the job and from what I knew about the other people on the, on the – that were going for that role it would appear that they would be successful and if they weren't that the recruitment process would determine that. It's quite possible that none of the people were successful. That's what the recruitment program is supposed to ascertain.

You did not have such a concern at the time you were told she was on the short list that you did anything about it. Correct?---No, I didn't have any concerns at that stage that would raise – that would cause me to cause a – raise that as an issue.

40 With respect to the template you provided for reporting the progress of jobs, do you recall your evidence about that?---Oh, which evidence are you talking about?

Do you recall giving some evidence today about a template that you provided to allow reporting as to progress of jobs?---Yes. This is the Public Works template?

Yes. Do you recall some discussion between my client and yourself about amendments to that form?---Yes.

Do you recall him giving you a copy of the form with some marked suggestions for alteration?---No.

If I suggest to you that he did give you such a document what do you say to that?---I don't recall if he did.

10

Could have done you just can't recall?---That's correct.

And could I suggest to you – I'll withdraw that. Nothing further.

THE COMMISSIONER: Does anyone else have any questions of Mr Maslen? Yes, Mr Chalmers, did you forget something?

MR CHALMERS: Commissioner, could I have a short, second bite at the cherry.

20

THE COMMISSIONER: Yes. Very short, Mr Chalmers.

MR CHALMERS: Thank you, Your Honour. I just want to refer you to the document we've been speaking about in 2573 and 2574 which is your letter to Amanda Williams. I don't know if you have that in front of you, but it's dated 18 July, 2013. There's no mention there of Ms Hammoud getting the job or being suggested that she was going to get the job is there?---I'll have to read through.

30 Yeah, sure?---Can I roll up to the next page please. No, my comments there are not about the appointment. It's about the potential conflict of interest in the process.

That's right. And in fact from paragraph 1, if we go back to that 2573, in paragraph 1 at the second sentence you say "this perception could undoubtedly raise a lack of confidence in the final appointment"?---That's correct.

Is that right?---Yes.

40

Now, if you assume that my client went for the interview – you'll have to accept this from me and the Commission, it's from my notes that the actual job interview was on 8 July, 2013 and certainly between 8 July and 18 July you were told nothing by Mr Andjic about anyone being appointed.

THE COMMISSIONER: Sorry, are you putting that proposition to the witness?

MR CHALMERS: Well, based on this document, yes.

THE COMMISSIONER: Well, I note that at the bottom of page 2573 it refers to the notes from the interview so the interview process had been completed at that stage.

MR CHALMERS: That's right, it had. 8 July.

THE COMMISSIONER: Yes.

10

MR CHALMERS: Well, the interview with my client.

THE COMMISSIONER: Yes.

MR CHALMERS: 8 July. That's right. So from 8 July to 18 July so far as you're aware no one had been selected?---My conversation - - -

20

THE COMMISSIONER: What's being, what's being put to you, Mr Maslen, is that between 8 July, the date of this email – sorry, take that back. Between 8 July being the date of the interview and 18 July being the date of this email, that is, 10 days - - -?---Ah hmm.

30

- - - you had no information to suggest that Ms Fatima Hammoud was the preferred applicant. That's what's being put to you?---No, that's not the case. I had a conversation with Andjic where he informed me that she was going to be the recommended person and that's what really started this chain of events and there were other concerns from staff members as well and as a result of that I took advice from the HR Department on how that should be handled and I was informed that I had the authority to stop that process. In fact, I was informed that I didn't actually have a reason for it.

MR CHALMERS: But can I suggest, and I won't, I won't labour on it but in paragraph 1 doesn't that contradict that answer, the fact that no final appointment – raises a lack of confidence in the final appointment. There's nothing in that document that suggests that you knew that Fatima Hammoud was going to be preferred - - -?---We were - - -

- - - as the appointment is there, is there?---No, there's not.

40

No. All right. I'll move on because I've only been given a short, sharp bit a the cherry. I just want to refer you to paragraph 38 of your statement of 29 January, 2015, and that's page 338 of the brief. If you have a look at, towards the end of that paragraph 38 it says, "towards the end of September, 2013 Fatima was spending two to three days per week with Anthony on his projects". Now, you had stopped being the assistant director as at the end of July, 2013. Isn't that correct?---Yes.

So is that September date incorrect?---No, that could have been occurring after, that could have been – these things could have been happening after that time.

Well, you're speculating there are you?---Well, I was still in the Department. I was still aware of what was going on.

10 But when you were asked in January, 2015 you're not at all sure whether it was September, 2013 or not. You're even not sure now as you sit in the witness box are you?---Can you – if you - - -

MR BRADY: I don't understand what he's not sure of.

THE WITNESS: No, the statement says - - -

THE COMMISSIONER: Sorry, are you – let – just sorry, Mr Maslen? ---Sorry.

20 I want to clarify. Are you putting that he's not sure of the timeframe or are you putting that he's not sure of the content of the observation?

MR CHALMERS: Just the timeframe at the moment?---I think if you read the statement it says, "I later realised that Fatima was more involved in projects than Anthony admitted to. Towards the end of 2013 Fatima was spending two to three days per week with Anthony". I later realised while I was in the Department. I was still the acting director of Facilities. I could see that.

30 Right. So you're confident in that September date are you, do you remember that?---Around that time, yes.

Around that time. So that – when you say around that time, what sort of leeway are we talking about?---I don't know.

A month, two months?---I don't know and I, and I, and I – it's purely speculation.

40 It is purely speculation?---I'm sorry.

Thank you, Commissioner.

MR OATES: Commissioner, I'm sorry to have to ask for your indulgence.

THE COMMISSIONER: Yes, go on.

MR OATES: Just one matter so I don't fall foul of the practice note. Do you recall, Mr Maslen, you gave evidence that you saw my client and Ms Hammoud getting out of a car in the car park?---Yes.

And you spoke to my client about it?---Yes.

10 I suggest to you that that didn't happen, that you didn't see her getting out of a car with my client – sorry, I withdraw that. I suggest to you, you didn't speak to him, my client about them being in the same car together?---That's not correct. I spoke to him.

Thank you, sir.

THE COMMISSIONER: Anything arising, Mr Brady.

MR BRADY: Yes, thank you.

20 You were being asked questions about a member of the Tender Opening Committee being on the Tender Evaluation Committee and the fact that while there doesn't appear to be anything explicitly written in the rules that that was the usual procedure?---That's correct.

I just want to ask you some questions about that if I can. For a Tender Evaluation Committee, they deal with non-price matters and price matters? ---Yes.

30 There are some non-price matters that go to the strength effectively of the company making the application?---Yes.

The strength of that company to do the work?---Yes.

And the people within that company to do the work?---Yes.

You then have on the other hand the price associated with them?---Yes.

40 Generally in relation to a tender is there a 60 per cent weighting towards the non-price matters and a 40 per cent weighting towards the price matters? ---There's several formulas that I've seen in the past but the, the 60/40 rule is one of the more common ones I've seen.

And are you aware of whether or not that was the one that was used by Capital Works?---I am not aware, no.

In any event one of the things about doing the non-price matters is that when the Tender Evaluation Committee do that they shouldn't know what the price is, would that be fair to say?---That's my understanding of the way

its conducted, that's done first so it cannot unduly influence the way that they do the non-price (not transcribable)

Right. So they deal with the non-price without knowing what the price is?  
---That's my understanding of how it's supposed to operate, yes.

So they're unaffected the price?--- Yes.

The Tender Opening Committee know the price?--- Yes.

10

So a member of the Tender Opening Committee being on the Tender Evaluation Committee defeats the purpose of not knowing the price before the non-price matters are raised?---That would be, that would be sensible to take that conclusion, yes.

20

And that might be one of the very strong reasons why the policy within the Department was to not have someone on the Tender Evaluation Committee who was on the Tender Opening Committee?---I'm unaware of the exact policy but that would, that is my understanding of how it was, it was always conducted in every, in every department, not just this one.

Okay. You were asked some questions about that email where you received some information from Mr Andjic on 7 August, 2013. Can I just take you to that, that's at 964. Do you know the circumstances in which that information was being asked for?---Do we have the, the attachment?

No? Can I take you over to 965, 966 and 967?---And the date of that email was, sorry, I don't have that here.

30

Sorry, the date of that email was 7 August, 2013?---All right. It's the time of handover to, to Steve Honeywell of course, I was assisting him coming up to speed with those, these were some of the decisions on how we could change projects. I think this might actually be pertaining to some work that was requested through the court, Michael Talbot from the courts, I'm not quite sure about the Assistant Director General of the other courts, looking to cancel some projects in order to fund some technology projects that he wanted to do so at the time I think we were trying to work out which projects were committed and confirmed on the upcoming program and which ones could technically be, be cancelled if, if that was the decision to do so.

40

By the time this email is happening though it appears Steve Honeywell is being copied into it?---Yes, yes.

Can we assume from that that Steve Honeywell has taken over the role as director?---Yes.

And obviously now has the full authority as a director?---Yes.

Something which you felt like you didn't have when it came to Mr Andjic?  
---No, absolutely not.

And in fact Mr Andjic is then emailing not just you but obviously the now director with that information?---Yes.

10 Did you find there was a difference, there may not have been, between when you were assisting Mr Honeywell in doing what he did Mr Andjic providing you with information rather than you were simply acting director?---Yeah, certainly. The ability to get any information was very hard fought and it took almost my entire six months and support from and direction from the HR Department and from the Assistant Director-General Jane Ridley to try and force that information over to a point where I at least had something and what I was trying to ascertain was the basic information around every project. The, the entire time that I was there I don't feel like I, I do not feel like I had the entire information that would have made me comfortable to know or feel that I was across all the information, the projects and everything was as, as reported.

20

Can I now take you back to that letter from you to Amanda Williams at 2573. Now assuming the interviews were on 8 July, 2013 – I withdraw that and I'll do it this way. No doubt you got advised of the shortlist for the interviews before the interviews?---Yes.

We assume from that that it would have been before 8 July, 2013 you knew of the shortlist for the interviews?---Yes.

30 The interviews then take place on 8 July, 2013?---Yes.

You then have cause to write a letter on 18 July, 2013?---Yes.

Some 10 days or so later?---Yes.

40 How long would you expect it to take for the recommendation from the interview committee to make a recommendation for a person?---To make a recommendation after the interviews sometimes can take two or three days of deliberation, the convenor would have to check references so it could take up to a week.

Did the convenor go about checking the references for the person they're ultimately going to recommend?---Yes.

Would they check references for other people as well or would they just focus on the one they're thinking about recommending?---My understanding is in the past recruitment process that I've been involved in we would check the person I'm going to recommend, there's also people on the eligibility list in case that person you recommend declines that offer.

Between 8 July and 18 July what caused you to then write this letter?  
---Anthony had approached me and said that Fatima was going to be recommended for the position and at that stage I thought and given some of the other discussions that had been happening around the office, you can call it scuttlebutt, you can call it anything you like, but there was a very strong perception that that process would be tainted in some respect and given my own observations I believe that would have been the case as well.

- 10 Now it doesn't appear within the letter that you specifically say that this person has been recommended for the position?---No.

Any particular reason?---Because on the advice from the HR I had not been given formal notice and it was a conversation that I had, a verbal conversation and in fact given the authority that I had that wasn't necessary. My advice from HR was that I could stop the process for any reason that I saw fit or no reason at all for that matter and my concerns was about the acceptance or the transparency or perceived transparency of that process.

- 20 You do note at paragraph 4 on that page down the bottom that the claim for the position from one of the applicants contained statements of experience and authority over projects that are false?---Yes.

Who were you referring to there?---Fatima.

Then indicate these – if these claims were not challenged at the interview stage then the recruitment process could not have been conducted fairly?---That's correct.

- 30 The notes from the interview show that the claims were not challenged?  
---Ah hmm.

I assume from that that you obtained the notes from the interview?---I have obtained some of the information but not the full. And I don't recall getting the actual recommendation report.

Okay. With the interview, did you simply look at Ms Hammoud's interview notes or did you all, or the other two as well?---No. I'm sure I looked at all the other ones as well.

- 40

Why did you do that?---Because I'm trying to gauge whether someone was fairly and reasonably entitled to that position. If she'd gone through that process and wasn't told of that position then she would awarded it. If the perception that she was in a relationship, whatever that might be with Anthony, was incorrect then she shouldn't be, you know, shouldn't miss out on that position. That perhaps we need to address that problem and maybe discuss that with the rest of the staff and get clarity on that. I, at the time

was trying to get all parties concerned as much of an honest attempt at that, ah, that role as possible.

Over the page at 2574, you mention based on the points one to four above I will not have any confidence in the recruitment process and would not support any recommendation. Would that have applied if in fact the recommendation for example, was for Neil Murphy?---Possibly. The fact that the, the whole process wasn't conducted fairly gives me concerns about that process and you know, and I'll again, not being my area especially I  
10 would've have sought advice from the HR and whether it was appropriate not to go forward.

Thank you very much. Thank you, Commissioner.

MR OATES: One matter arising if you please, Commissioner.

THE COMMISSIONER: Yes, Mr Oates.

MR OATES: You obtained advice from HR not to include in your  
20 document reference to the conversation you had with my client, so you said?---Ah hmm.

Fatima Hammoud being the preferred applicant?---I believe that the conversation was it's not relevant.

From whom did you receive that advice?---I think I was dealing with Ian Fleming from the HR Department or going straight through to Amanda Williams.

30 Do you recall who it was who gave you the advice or those two people?---  
No. I don't. I don't. I was receiving - - -

Because I was under - - -?--- - - - advice from quite a few people.

Was it oral or in writing?---It could've been a mixture of both. I can't recall on that specific occasion. There was a lot of conversations happening. Some written, some oral.

40 The oral, the written documents would they be in your email? The written records?---The written documents?

Would they be in the email?---Any – well of course they would be. Any, any email of course would be on the system and would be retrievable.

Nothing further, Commissioner.

THE COMMISSIONER: Yes. Thank you, Mr Maslen. You can step down. You are excused?---Thank you.

**THE WITNESS EXCUSED**

**[3.02pm]**

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: I call Fayrouz Hammoud.

MR BRUCE: Please, Commissioner, whilst the witness is coming to the - -  
-

10

THE COMMISSIONER: Yes.

MR BRUCE: - - - witness box, so to amplify that her, as a matter of  
courtesy her surname there was - - -

THE COMMISSIONER: I'm sorry, I can't, I can't hear you.

20

MR BRUCE: Her name is now Abouchacra firstly. Secondly, the witness  
will take an oath and thirdly, I seek that the Commission make a declaration  
under section 38.

THE COMMISSIONER: Right. Thank you. Yes. It's Mrs Abdul Chacra,  
is it?

MS ABOU CHACRA: Abouchacra.

30

THE COMMISSIONER: Abouchacra. I should inform you Mrs  
Abouchacra that the order under Section 38 that you have requested will  
protect you from the use of your answers against you in civil and criminal  
proceedings. However, it will not protect you if it should be found you've  
given false or misleading evidence to the inquiry because you would  
nonetheless be liable to prosecution for those false or misleading answers  
under the Act, under the ICAC Act. Do you understand that?

MS ABOUCHACRA: Hmm-mm.

40

THE COMMISSIONER: An offence of lying to the Commission or  
deliberately misleading the Commission carries a maximum penalty of five  
years imprisonment. Do you understand that?

MS ABOUCHACRA: Hmm-mm.

THE COMMISSIONER: Yes. All right, then. Pursuant to Section 38 Act  
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.

10 **PURSUANT TO SECTION 38 ACT 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.**

THE COMMISSIONER: Can we have the witness sworn in please.

20 MR BRADY: Could I, just before the witness does, raise one further issue  
on that is, is the witness at the time and now as I understand is a teacher in a  
public school system and therefore falls into the definition of a public  
official.

THE COMMISSIONER: Thank you. I should indicate to you in that case,  
Mrs Abouchacra that the possibility also arises for disciplinary offences to  
have been committed by you but as I said before, the 38, Section 38 Order  
that I've made will protect you from the use of those answers against you  
should you be subject to those proceedings. You understand that?---(No  
Audible Reply).

30 Yes. Yes. Can we have the witness sworn, please.

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Yes, thank you. Please state your full name?---Fayrouz Abouchacra.

And what was your maiden name?---Fayrouz Hammoud.

10

All right. What I might do if I can Ms Abouchacra is just get you to slow down a little bit. Because we'll need to take this all in if we can. What is your occupation?---Teacher.

With whom?---The Department of Education.

And where are you teaching?---Kingsgrove North School.

And how long have you been a teacher?---Nearly nine years.

20

And what do you teach?---PDHPE.

Sorry?---Physical Health and Education.

Okay. Before being teacher what did you do?---I worked for Bankstown Council as a receptionist and learn to swim co-ordinator.

All right. Now your sister is Fatima Hammoud?---Yes.

30

And you're married to Shadi Chacra?---Yes.

Right. And are now the sister-in-law of Anthony Andjic?---Yes.

Right. As at 2013, beginning of 2013 did you have any project management experience?---No.

Did you have any project management qualifications?---No.

Did you have any experience as a builder?---No.

40

Did you have any building qualifications?---No.

The beginning of 2013, had you ever run a tender process?---No.

Did you know anything about a tender process in January, 2013?---I can't remember that long ago, but probably not.

Okay. At some stage you became involved with the Department of Justice and Asset Management Branch, right?---Yes.

What I want to do is talk to you about before that in terms of your experience. Do you understand that?---Yes.

So the questions I'm asking are before you actually then became involved with the Department of Justice and the Asset Management Branch. Before that did you know what an MW21 Contract was?---No.

10

Did you know anything about the selective tendering process?---No.

Or any of the processes associated with the tendering process?---No.

I assumed you'd never run a building project?---No, not building.

Well what projects had you run?---Well, as my time as the learn to swim coordinator I ran a lot of the swimming programs that were held across four pools and also as a teacher. I run a lot of programs inside the school that happened on a daily basis with kids.

20

That's the extent of your - being a manager?---Yes.

Okay. The programs you were running in relation to swimming were some nine years before 2013?---Nine years ago from 2013?

Yes?---No. I worked up, I worked up with Bankstown Council also while I was a teacher.

30 So how long did you work for Bankstown Council?---Nearly 10 years.

And when did that stop?---I can't remember exactly when it stopped.

Well, roughly when did it stop?---Approximately probably about 2011, 2012, maybe.

You hadn't prepared any documents in relation to project management for building before dealing with the Department of Justice?---No.

40 You hadn't produced any risk matrix before dealing with them?---For building?

Yes?---No.

Had you for something else?---Yes.

And that was the swimming program?---And at school. We have to daily always do assessments when we're doing excursions or any programs that are incursions or going outside of school.

So just to clarify, you'd do a risk matrix if you had an excursion for children?---Yes.

10 Okay. And you'd do a risk matrix if you had an incursion. What's an incursion?---When kids are taken out of their class time but are held in a program inside of school.

Did you do risk matrix for the Bankstown Council?---Yes.

And again that was in relation to children?---To children, to aquatics, to the water, a lot of things regarding with the program itself.

And that was the extent of your experience in relation to risk matrixes?  
---Yes.

20 Okay. Had you ever been to a site meeting in relation to construction?  
---Prior to?

Dealing with the Department of Justice?---No.

Never prepared any site minutes prior to dealing with the Department of Justice?---Hold on. When you talk about site, I always had to do a OH&S risk assessment when it came to our playing fields at school, yes.

30 In relation to construction?---In relation to the foundation of probably grass if we need to play a football game, in relation to the football posts, the cricket nets.

THE COMMISSIONER: I think Counsel's referring to a site meeting in the sense that there is a building or a structure being erected on a site and it's usually part of that process that the people involved in that construction had site meetings?---Oh, sorry, no.

No.

40 MR BRADY: So before your first contact with the Department you wouldn't describe yourself, would you, as a project manager?---For construction?

Yeah?---No.

Definitely wouldn't describe yourself as a senior project manager in relation to construction?---No.

Just to confirm, you agree with me that you would not describe yourself as a senior, senior project manager in relation to construction?---Well, with experience you become a senior project – I don't really understand the question, sorry.

Okay. Before your first dealings with the Department you would not have described yourself as a senior project manager in relation to construction. That would be right, wouldn't it?---Yes.

10 Now, when was your first contact with anyone from Asset Management Branch for the Department of Justice?---Honestly, I can't remember.

Well, what was the first contact?---I can't remember. I don't want to give false or misleading information. I honestly can't remember.

THE COMMISSIONER: What was the reason or in what context did you first have some communication with the Asset Management Branch?---My husband needed help so that's when I had started dealings with them.

20 MR BRADY: When you say your husband needed help, did he speak to you about the fact that you needed, he needed help?---Yes.

What did he say to you?---That he needed help with the project management side. Something had happened, I'm not even 100 per cent sure, and then that he needed me to step in, so I did.

Well, did you say to him, what has happened?---He didn't go into details and obviously I trust my husband, if he needs my help - - -

30 Did you say to him, what has happened?---No.

Right. Well, what details did he go into?---He basically - - -

What did he say?--- - - - just said what he needed help in - - -

What did he say?--- - - - in what aspects of the area that he needed help in.

What did he say?---That he needed help when it came to the administrative part of the project management.

40

THE COMMISSIONER: Of what though, what was he managing, what project was he talking about?---The projects that he would have, that he got from the Department.

What, all of them, not just one in particular?---Not all of them but there were certain ones that he'd hand to me and then that I would help him with.

Well, did he tell you which ones they were?---Yes, he did.

Right.

MR BRADY: Can we start right at the beginning though. What's the first thing he said to you about getting you involved in this?---You want exact words?

No, but at least what I want is the context of what was said?---Like I said, he needed my assistance.

10

Was he talking about a single project then though when he spoke to you about that?---I don't -- I can't remember to be exact.

Did you say to him, what assistance can I provide you?---Of course.

And what did he say?---With the administrative part of project management.

20 And did you say to him, well, what's the administrative part of project management?---Of course, I said, "What does it involve?"

And what did he say to you?---"It involves site visits, minutes, matrix, meeting with the Registrar, communication, scope of works."

Right. Did you say to him, well, how am I going to that for construction when I've never been involved in construction before?---Yes, I did raise some concerns.

30 And what did he say?---He said when it came to the construction that I should seek his advice on everything and never compromise when it comes to the actual construction side of it, which is what I did.

Well, after he's had this conversation with you, when did you first then become engaged with the Department of Justice?---I honestly cannot remember.

Well, how long after the conversation he had with you did you start dealing with the Department of Justice?---Maybe or approximately a couple of weeks.

40

Right. Was that you contacting them or them contacting you?---Most of my channels of communication came through my husband.

Whether most of them did or didn't, you actually had some dealings with the Department directly, didn't you?---On some occasions, yes.

I want to talk to you about the first occasion you had dealings with the Department directly. How did that come about?---I honestly cannot remember.

This is the first time you've ever dealt with the Department of Justice. Right?---Yeah.

10 The first time no doubt you've dealt with the Department of Justice helping your - - -?---Yeah, but I can't, I can't remember whether - - -

If you just wait until I finish the question we'll get there a lot quicker? ---Okay.

The first time you dealt with the Department of Justice in relation to the administration of your husband's projects. Right?--- Hmm-mm.

That would be right?---Sorry, was that a question?

20 Yes?---What was the question?

The first time you dealt with the Department as a result of your husband saying I want some help with the administration of my projects?---Yes.

Tell us how that came about, the very first time you dealt with the Department?---I cannot remember if communication channels was through email or if it was phone or if it was face-to-face, I can't remember the first time.

30 All right. Well, who was the first time with?---Anthony.

Did you know Anthony before that?---No.

Never met him?---No.

Never heard of him?---No.

Well, did your husband at least say, oh, look, you might get a call from Anthony?---Yes.

40 So you'd heard of him - - -?---Oh.

- - - obviously before you spoke to him?---Like I said, all my communication channels came through my husband.

You'd heard of Anthony before you'd spoken to him?---Via my husband.

THE COMMISSIONER: Can I just ask you, Ms Abouchacra, at the time that you had this first contact with Anthony, the person that your husband

spoke of, were you still living at home with your parents?---I can't remember exact dates. If you can give me a date, then yeah, because I got married in 2014 and that's the only time when I moved out is when I got married.

MR BRADY: Now, when your husband spoke, your now husband who was your boyfriend at the time in 2013, is that right?---We don't refer to them as boyfriend in our culture.

10 Okay. What would you refer to him as?---Somebody that I'm getting to know.

All right?---Or partner or - - -

Well - - -?---Just for cultural purpose.

Can I call him partner without being offensive in - - -?---Yes, yes.

20 - - - talking about what his role was at that time with you? Okay. When your partner first spoke to you about being involved and helping with the administration, did you say anything about how you were going to do that and meet your school requirements at the same time?---Did I raise that concern?

Yeah?---Is that what you're asking?

Yeah?---No.

30 Did you ask him how much time you were going to have to spend on it? ---Not that I can remember.

Right. Now, what's the first project you were involved with?---I can't remember.

40 Do you best to think about it. The first time you're involved in administration of project management of a construction with the Department of Justice. Do your best to remember what the first one was?---There were so many that I can't go back two or three years ago and remember exactly which one was the first one. There was not so many, there was a few, so for me to give you an answer it could be a lie and I don't want to lie so I can't give you which one was the first one.

THE COMMISSIONER: If you can, if you can give us what you think was the first one, we're not going to hold you to the fact that you've been incorrect. You see there's a difference between being incorrect or mistaken and lying because to lie mean that you give a false answer knowing that it's a false answer, so we're not asking you to lie but we're just asking you to

give your best recollection?---It could have either been East Maitland or Cessnock or Cowra, maybe one of them, I'm not 100 per cent sure.

MR BRADY: How many were you involved in?---I can't remember exactly how many but approximately - - -

Yeah?--- - - - maybe three or four, could be five, I'm not even 100 per cent sure.

10 Give us the names of the ones you remember?---Cowra, East Maitland, Cessnock, Hornsby um, at this moment I can't remember any more.

Gunnedah?---I can't remember. I can't tell you yes, I can't tell you no.

You just don't remember one way or the other whether you were involved in project management of Gunnedah?---Not 100 per cent, no.

20 Don't worry about 100 per cent, do you just say you can't remember at all one way or the other whether you were involved in Gunnedah?---Well, I didn't take on every single project management job that my husband got given so I can't remember if I was involved in that one or not or if we did do that one or not.

I just want to show you a couple of documents if I can and just ask you some questions about it. It's at 1030. Do you recognise that email?  
---Sorry, what did you mean by 1030?

It's the page number?---Oh, okay. Can I please read it?

30 Yes, of course. Is that an email sent to you?---That's an email sent to the SAFF Projects.

Right?---Gmail, yes.

Was it an email that you got?---I probably did read it, but like I said, my husband had dealings with this email and this sort of work as well.

40 When you say you probably did get it, you note there that there's a reference to Capital Works. Do you see that?---In the first paragraph?

Yeah?---Sorry, hold on. Yes, it says Capital Works program.

It also refers to a phone call, doesn't it? "Thank you for your phone call?"  
---Yes.

Does that raise with you a memory that you actually had a telephone call with Mr Andjic about these matters?---I did speak to Anthony over the phone, yes.

Was that the first contact you had with him over the phone?---I cannot remember. Maybe.

There's a reference there you might see on the third line, sentence, "From our discussion your prequalification within other New South Wales Government agencies is what our Department seeks to ensure all quality control and measures are fully addressed." Do you see that?---Yes.

10 Do you remember reading that?---It was back on the 14<sup>th</sup> of February, 2013, nearly two years ago. I could have read a thousand things, I'm not - - -

The question was simple. Do you remember reading that?---I can't remember.

Okay. Do you remember anything about that email then?---I can't remember.

20 Do you remember the first email you received from the Department of Justice in relation to doing work for SAFF?---Do I remember as in what it looks like and what it says?

Yeah, what it said?---No, I don't remember.

Okay.

THE COMMISSIONER: Can I just clarify something. That email, that email is addressed to Fay. That was you, was it?---Ah hmm.

30 And the email address was one that you provided to Mr Andjic, was it? ---Yeah, it would be.

Because he wouldn't have known that email address had you not provided it during the phone call?---Yes.

And so you obviously had a discussion during the phone call about your company wanting to do some work for the Department of Justice and you're asking him how you would go about it?---May be possible.

40 Well, just looking at the email, doesn't it suggest that you put forward a proposal to provide services to the Department of Attorney-General and Justice and you were concerned that you needed to be a prequalified company with other Government agencies so that the Department would use you?---My husband's the one that has all the background knowledge of this stuff so - - -

Well, I know he might have but sorry, my question was, when you read the email - - -?---Yes.

- - - does it not suggest that you had a conversation with Mr Andjic wherein you discussed your company wanting to be one of the prequalified companies that provided services to the Department of Justice?---Yes, it does suggest that.

Right. Thank you.

10 MR BRADY: Do you say that it might have in fact come from your now husband to Mr Andjic, those, that request?---Sorry, I don't, what do you mean?

All right. Well, you say don't you that your husband was dealing with a lot of these things?---He was dealing with probably trying to get onto the prequalification list and things like that, yes, probably.

20 All right. Do you say that that email might have come as a result of a conversation from your husband, between your husband and Mr Andjic?  
---No, it may have been me, but I told you, like I said, I can't remember my first dealings with him.

Well, were you interested in how to get SAFF onto the prequalified list?  
---My interest was helping my husband in any way that I can to - - -

Was your, were you interested - - -?--- - - - get us to build our life together.

Were you interested in getting SAFF onto the prequalification list?  
---Me personally?

30 Yes?---Of course. Whatever my husband's interests are, I'm going to have to, I support those interests with him.

At the time, that is in February 2013, you were known as Fayrouz Hammoud. Right?---On that day or - - -

In 2013 you were known as Fayrouz Hammoud, weren't you?---I was known Fayrouz Hammoud since birth.

40 Right?---That was my name on the birth certificate.

So just to make things a bit simple, in 2013 you were known as Fayrouz Hammoud, right? That's a simple question?---In regards to who, with my friends, with the Department, with my husband? Who are you referring to exactly?

THE COMMISSIONER: You were commonly known as Fayrouz Hammoud?---No. I'm commonly - - -

What were you commonly known as?--- - - - known as Fay.

All right.

MR BRADY: All right. Okay. So you were known as Fay Hammoud?  
---Yes.

Right. You weren't known as first name Fay, last name Rouze, were you?  
---No.

10

Can I take you over to 1036. It's an email from SAFF Projects?---Ah hmm.

And that's saffprojects@gmail.com. Do you see that?---Ah hmm.

To Anthony Andjic?---Ah hmm.

And with an attachment of the fee proposal of Cessnock. Do you see that?  
---That there is an attachment. Is that what you're saying?

20

Yes. Do you see where it says "attachments, fee proposal Cessnock"?  
---Ah hmm.

And you write, "Dear Anthony, please find attached SAFF Projects fee proposal for project management services for the above works. I look forward to hearing from you. Kind regards, Fay". That's you isn't it?---My name is on that.

Is that you who is sending that email?---No.

30

Who sent that email?---My husband. My husband had all dealings when it came to pricings, invoicings, and all that sort. That was his – that – this is his business, this is what he was in charge of.

All right. So you remember clearly that that was an email not sent by you, rather it was sent by your husband?---When it came to anything to do with proposals, invoicing, time, I was never involved in that, no.

Okay.

40

THE COMMISSIONER: Ms Abouchacra, I think you have to listen carefully to the question. You see whether or not your husband took primary responsibility for all of those things such as invoicing and financial dealings is one thing. What Counsel Assisting asked you was did you send the email. Now, there's a distinction between your husband providing you with the information and then you sending the email or your husband sending the email under the, under the name Fay. So what we're asking you is did you send the email? Forget about whether or not you were the author of the information but did you send the email?---No.

You didn't. So that was sent by your husband under your name?---Well, it's not under my name. Oh, well, my name's at the end, yes.

Right.

MR BRADY: So can we assume from that then that the email underneath that, you see on Saturday, 23 February, 2013 at 5.39pm that was addressed to Fay - - -?---Ah hmm.

10

- - - was in fact then dealt with by your husband?---If there was a - sorry, hold on, let me finish reading it. Sorry, what was the question again?

Does that mean that the email underneath dated 23 February which is addressed to Fay in fact went to your husband?---Well, it went to the SAFF Project email.

And your husband dealt with it?---Well, it depends what needed to be done. If it was someone to call, face-to-face contact, it would obviously be me.

20

All right. Can I take you over then to page 1038. See that's a document entitled SAFF Projects?---Yes.

Addressed to Mr Anthony Andjic, Assistant Director of the Department of Attorney-General and Justice?---Yes.

Dated 27 February, 2013?---Yeah.

Now, that I want to suggest to you is the attachment to that email I've just taken you to?---That was attached to that last email, yeah.

30

All right. That's something then that your husband prepared. Is that right? ---Does it have figures on it? Sorry, can you go to the bottom.

You will see that it has a project figure of 44,270?---Yes.

So is that something that your husband prepared?---Yes, it would be.

Well, would be and did are two different things. Do you know whether your husband prepared that?---Yes.

40

He did prepare that?---Yes.

Okay. Not you?---No. When it came to pricings and invoicings I was not involved.

Okay. Now - - -

THE COMMISSIONER: Can I just is that your mobile number underneath your name on that attachment?---That was the mobile number that I was using as a project manager, yeah.

So if Mr Andjic had rung you on that mobile number to discuss the contents of that letter you didn't have any knowledge or understanding of it?---I would have told him that I'll get back to him.

10 MR BRADY: So does that mean yes, you wouldn't have had any knowledge or understanding of it?---No.

You agree with that or you don't agree with that?---No, I agree with that.

All right. And when you say I would have told him I have to get back to him, you mean you'd speak to your husband about it?---Of course.

All right. Now, at the bottom under yours sincerely, do you see at the bottom there?---Yes.

20 It says there Fay Rouze doesn't it?---Yes.

Did you go by the name Fay Rouze when dealing with the Department? ---Yes.

Why?---When I first started my husband gave me business cards. That was the name on it so that's what I used.

30 So he gave your business cards with a first name Fay and the last name Rouze?---Yes.

And you therefore continued to use that when dealing with the Department?---Yes.

And that as a business card under SAFF Projects?---Yes.

40 When he gave you a business card with the first name Fay, last name Rouze, did you say to him what's this all about?---No, not at that time but we've had previous conversations how we like to Anglicise our names especially with the dealings and everything that's going on in the world. We don't want racial discrimination against our names and for me, for me to cut my name to Fay Ham doesn't really sound like something that's workable or feasible and I liked Fay Rouze.

Does it say Fay Rose or Fay Rouze?

THE COMMISSIONER: R-o-u-z-e, Rouze. I think there's, I think, I think in other places it appears as R-o-u-s-e but anyway, leave that to one side.

MR BRADY: Do – I'm sorry.

THE COMMISSIONER: Ms Abouchacra, all of the, all of the dealings that your husband was having with these representatives of the Department of Attorney-General and Justice he was having those dealings in his own name, Mr Chacra?---Yes.

Well, if he was having those dealings with the Department in his own name why did you need to Anglicise your name?---Because I found that  
10 Hammoud is very Arabic in regards to Chacra which can be determined in any other way and that's in my opinion.

What, so you think Chacra wouldn't raise the same kinds of problems with respect to typecasting as the name Hammoud would?---I agree.

No, I'm asking you is that what you think?---Yes, that's what I think.

MR BRADY: So you say do you that you know why he prepared those  
20 cards in that name?---I'm not saying that I knew why but I'm saying that I didn't question it.

Well, you say don't you that it was because you wanted to go by an Anglicised name?---But that's my interpretation, my opinion of it. At that time I never questioned him why my name was that so I just assumed that's the reason why he wrote it that way.

Right. So you say do you that the reason he did that was because he knew that you wanted to Anglicise your name?---No, that's not what I'm saying.

30 Right. I must admit I'm struggling to understand what you are saying about why - - -?---I'm saying - - -

- - - it's Fay Rouze?--- - - - I like to Anglicise my name and that's why no one – and when I deal with going for job interviews and that previous to any of this I never write my full name. I write Fay. I'll give you an example. My uncle, his name is Mahmoud, he breaks it down to Mick. My name is Fayrouz, I call myself Fay.

40 You call yourself Fay Hammoud though, right?---No one ever usually when they're calling your name calls you by both your names.

When you're going for job interviews for example that you just raised, you would say Fay Hammoud wouldn't you?---Sometimes. Sometimes I don't.

Well, have you ever used the term Fay Rouze before this?---Not with the E. Fayrouz is my full name.

THE COMMISSIONER: No, sorry.

THE WITNESS: So I had broken it up before, yes.

THE COMMISSIONER: Don't worry about whether you've done a variation of this, you're being asked have you used the name Fay Rouze before this document that's being shown to you?---Like have I broken it up?

No, have you used that name - - -?---Yes.

10 - - - at any time before this document?---Without the E, yes.

When?---When I was applying for jobs.

Which jobs?---I applied for many jobs in my time, the Department of Education - - -

MR BRADY: Well, can we just stop you there, with the Department of Education did you say your name was Fay, last name Rouze?---One of the applications I probably put Fay Rouze on top of my resume but when you  
20 put the process through and fill out all the forms and you put your number in obviously my birth name comes up and that's the process of - - -

THE COMMISSIONER: What about when you applied for a job with council?---I used Fay Hammoud.

MR BRADY: You weren't worried - - -?---Sorry, is there an issue with anglicising the name? I'm not understanding exactly - - -

THE COMMISSIONER: Well, we're interested in establishing,  
30 Ms Abouchacra why you would present yourself as someone other than whom you in fact were for the purposes of having a contractual arrangement with the Department which you say was almost entirely conducted by way of information that was provided to you by your husband, that's the focus our inquiry. I don't actually care one way or the other whether you like to anglicise your name. What we're concerned with is why you chose to do it in this particular case. All right. Yes, Mr Brady.

MR BRADY: You say you didn't ask him why he had used Fay Rouze, right?---No, not at the time.  
40

Have you later asked him?---No, I quite like that name.

Right. Well, why when I asked you did you ask him did you say not at the time?---Because we've had previous conversations within our relationship about our names and dealings with other people with everything that's going on in the world so I made an assumption when I saw my name on that business card that was the reason why.

I just need to make an application, if the Commissioner pleases - - -

THE COMMISSIONER: Yes.

MR BRADY: - - - in relation to another transcript.

THE COMMISSIONER: Yes, is that the transcript of 23 April, 2015?

MR BRADY: It is.

10

THE COMMISSIONER: Yes. I vary the order that was given in relation to that matter on that date and I vary the order to the extent that questions that are asked might disclose the contents of that transcript.

**THE ORDER THAT WAS GIVEN IN RELATION TO THE  
TRANSCRIPT OF 23 APRIL, 2015 IS VARIED TO THE EXTENT  
THAT QUESTIONS THAT ARE ASKED MIGHT DISCLOSE THE  
CONTENTS OF THAT TRANSCRIPT.**

20

MR BRADY: Thank you.

You've given evidence about this question before haven't you?---Yes.

You've given evidence where you've been asked questions about it, right, about Fay Rouze, right?---Yes.

30

And you were asked questions about how it came to be that your name was set out as Fay Rouze, didn't – weren't you?---In the, the last time that - - -

Yes?---Yeah.

You were asked this, "Why did you tell the Department that your name was Fay Rouze as if Fay was your first name and Rouze was your surname?

Why did you do that?" and you answered this, "My husband gave me the, the cards and that was the name on it so I represented myself as what was written." The question was then, "The cards?" You said, "On what my husband had given me." You were asked, "What cards were they?" You said, "Business cards." Now that's the same as you've said today, right?

40

---Correct.

You were then asked this, "And those business cards that had that unusual spelling on them, did they, or that strange name Fay Rouze" and you just said, "Yes" to confirm you understood it, "So he prepared those for you," and you answered, "I got them from my husband," and again that's the same thing you've said today, right?---Correct.

You were then asked this, “And why did he do that?” and your answer was simply this, “I don’t know.” That’s what you answered didn’t you?---I can’t remember 100 per cent but probably, yes.

Why didn’t you say we’d spoken about anglicising my name before that?  
---Because you were asking me – sorry, what was the question again? Why didn’t I say before?

10 THE COMMISSIONER: The question is why didn’t you provide the information that you’ve now provided on the previous occasion when you were asked why your husband printed business cards with that name on them?---Because at that stage I was so nervous and probably not thinking about it where now I’ve had time to think about it.

MR BRADY: Well, surely you wouldn’t have needed to think about why you were, why your husband had put Fay Rouze if in fact you’d have conversations in the past about it?---But when I’m talking past I’m talking the beginning of our relationship when we were talking about names and everything. I didn’t know that I had to had a lot of reference in that time.  
20

Surely you didn’t need to think that hard about it if in fact you’ve done that in the past, that is anglicised your name to use it as Fay Rouze?---I honestly didn’t think it was a big deal.

Whether it was a big deal or not why in the world didn’t you say when asked last time this is the reason?---Maybe I was nervous, it’s a situation - -  
-

30 THE COMMISSIONER: When you say you’ve had time to think about it since then does that mean that you’ve had time to discuss it with your husband?---No, because in hindsight everything’s great isn’t it? So when you’re reflecting back on the questions you can think why didn’t I, which didn’t I, like why didn’t I say that because that’s the truth.

MR BRADY: You knew, didn’t you, that you were – sorry, I withdraw that. You signed off on contracts didn’t you?---Exactly what are you referring to?

40 Well, in relation to this you for example have signed off on a tender, a Tender Evaluation Committee didn’t you?---Yes.

You signed off knowing that that was effectively a declaration, right?  
---Yes, I’ve signed a couple of declarations.

And you signed that in the name Fay Rouze, didn’t you?---Yes.

That was at no stage your legal name was it?---No.

When you're signing those off as Fay Rouze it didn't strike you for a moment that that might be inappropriate?---Why would it be inappropriate? People have signatures that are squiggles.

THE COMMISSIONER: When you were employed by the Department of Education and you've indicated a short time that your application would inevitably have to be made in your full name, no matter how you anglicised your name - - -?---Also known, also known as so they (not transcribable) as Fay.

10

Yes, when you were employed by the Department of Education you sign several documents don't you that are in effect a legal acknowledgment of the contract that you had with the Department?---One document, yes.

And did you sign that document using your name, your proper name - - -?  
---Yes.

- - - Fayrouz Hammoud?---At the time I wasn't married, yes.

20

But you used your full name?---I used, when I was signing it?

Yes?---I used the letter F and my last name, yes.

Right. And that was because you understood that that was an important document from the point of view of committing yourself to a contract of employment with the Department?---That's why I signed it, yes.

30

Right. Well, what was the difference between that and the documents that you signed for the purposes of the contracts that your husband had with the Department of Attorney-General and Justice?---Well, there's no difference, I was going by that name so I signed it by that name and it was me anyway, I'm Fay.

But you're not Fay Rouze, are you?---I am Fayrouz.

No, you are not for the purposes of identification Fay Rouze, if someone in the Department tried to ascertain your whereabouts they would not find you under that name would they?---No.

40

Right. Yes, Mr Brady.

MR BRADY: You know don't you the reason your husband did that was to avoid using the last name Hammoud because it'd strike a chord with the fact that your sister Fatima Hammoud was working at the Department?---No, sorry, I don't think you can insinuate that.

It's not insinuation, I'm putting that to you, you knew that didn't you?---No.

Well, aside from using the Fay Rouze that letter, that's at 1038, that's Fay Rouze and your telephone number, right?---Not my personal but yes, the business one.

But it then says this, doesn't it, Senior Project Manager, doesn't it?---Yes, it does.

You're holding yourself out to be a Senior Project Manager for SAFF Projects?---Sorry, what was the question?

10

Were you holding yourself out to be a Senior Project Manager for SAFF Projects?---I was holding myself out to help my husband.

You see where it says Senior Project Manager?---Yes.

Did you do that?---Did I write that?

Yes?---I didn't write that document.

20 So your husband wrote you down as Senior Project Manager?---Yes.

You knew he was calling you a Senior Project Manager though, didn't you?---Yes.

Did you say to him, well, I don't have any qualifications as a project manager?---No.

30

Did you say to him I definitely don't have any qualifications as a senior project manager?---No.

Did you ask him why he was holding you out to the Department of Justice to be a senior project manager?---No.

Why not?---Why would I want to? He's my husband, he's trying to make a life together for us, he's trying to build this up. Why would I?

It would be fair to say this, wouldn't it, that is misleading the Department to call you a senior project manager?---Not necessarily.

40

Why?---Because you don't have to have a qualification to be a project manager but I do believe that I have the qualities to be a project manager.

You didn't have any qualifications as a project manager at all. Right?---Correct.

You had no experience as a project manager in construction at all. Right?---Correct.

You'd never been a builder. Right?---Correct.

No experience with building?---Correct.

And you say that it wasn't misleading to describe you as a senior project manager for SAFF Projects?---But it doesn't say senior project manager of construction of all those other things that you need. It says senior project manager.

10 What did SAFF Projects do?---It managed projects.

What projects did it manage?---Various projects.

Tell us what they were?---The ones, the one that you can see there.

Construction, right?---Yes. At that stage.

Well at any stage after that did they do anything other than project manage construction?---Not to my knowledge.

20

SAFF Projects in the entirety of its life as a company did nothing but project manage construction. Right?---At that time probably.

When you are listed as a senior project manager, it's a senior project manager for construction. Right?---You can take it any way.

That is the - - -

30 THE COMMISSIONER: Well how does it look on that letter, that's what we're asking you? What does that letter represent? Does it represent you as a senior project manager for a construction firm?---It represents that I'm Senior Project Manager for SAFF Projects.

Which is a construction firm?---But it's not limited to just construction is what I'm saying.

In was in, it was in terms of that particular project - - -?---Yes.

- - - at that particular time?---Yes, it was.

40

MR BRADY: And you don't think that in any way shape or form was misleading the Department?---Some people may take it that way.

Well would you take it that way when you read that?---Well, no. Because with my dealings with it I made sure that I got all the advice that I needed and make sure nothing's compromised when it came to construction.

THE COMMISSIONER: Ms Abouchacra can I just ask you this. You said that your husband said he needed help with project management?---With the administration section, as part of it, yes.

What did he – what help did he have before he asked you to carry out this function?---I'm not a 100 per cent sure. I'm not really involved in his business that much when it comes to his construction and stuff like that. So that's something you need to ask my husband.

10 What so, so he had no other person working for him in any kind of capacity before he asked you to help out who would otherwise do this kind of work on his behalf?---He had all – he has a lot of people working for him. What their positions are and what their titles are I'm not a 100 per cent sure.

All right. Anyway he asked you to help him out. So you said all right and then from the time he asked you to help him out, throughout all of these communications that you're having with the Department. For example, the conversations with Mr Andjic and the letters here that you see on the screen, that go to and from Mr Andjic, all of the information contained within those  
20 documents and the information that you discussed with Mr Andjic, all that information you had to get from your husband. Is that right?---When it related to construction?

Yes?---I got advice off my husband, yes.

All right. So all of the information that you needed to carry out this role came from your husband. Is that right?---Well, no. When it comes to communication skills and administration skills in typing and minutes and stuff - - -  
30

I'm not worried about typing and minutes?---Then what – like - - -

Well look. Just concentrate on what's on the screen?---Ah hmm.

All of the information that you needed to carry out this role as, as the senior project manager you had to get that information insofar as it related to construction projects from your husband?---And I researched as well, myself.

40 What did you research?---Well if there's something that I didn't understand and I didn't have contact with my husband I'd research it. Like guidelines or standards or policies that it states there.

MR BRADY: How would you research it?---I'd Google it.

Sorry?---I'd Google it. I'd look up the policies and see if they're on the internet which everything is readily available for you there.

Right. Okay. So how often did you do that?---Well it depended on what it referred to and how often I needed to do it.

Well, how often was that?---Not very often.

THE COMMISSIONER: Were you working full-time as a teacher at this particular point in time, we're talking early 2013?---Yes.

So you were – you were at school five days a week?---Yes.

10

And so I'm assuming that all of this was done by you on your email account out of those hours or did you do it during the day as well?---Mostly out of hours or sometimes during the day.

So when you needed information, for example, if Mr Andjic rang you on the mobile phone and said “Ah, look I just want to check these figures with you.” You had to say “Well, hang on a minute, I have to get back to you,” and you had to call your husband to, to get that information. Is that what used to happen?---Some things, yeah.

20

Right. So - - -

MR BRADY: Can I just, sorry, Commissioner.

THE COMMISSIONER: I just want to clarify this. I'm just trying to understand how was it that you were helping your husband if all of the information that you needed to carry out this role effectively had to come from your husband in any event?---But it wasn't all the information because we did site visits. I spoke to the Registrar.

30

Right?---I had to develop scope of works, I had to write meeting minutes. They're not like, sorry for my words, but they're not rocket science to type up and write or you don't need a Bachelor or a degree or a qualification.

Well I just want to understand this. Are you saying that where you did assist your husband and where he, where he actually couldn't participate directly was in the site visits and the meetings?---Correct.

40

Right. So everything else that was – the documentary exchange, and the construction figures and all of that, that information came from your husband. You would send off the email with all of that information but when you needed to have face to face contact you would turn up as the Senior Projects Officer. Is that what happened?---Correct.

Right.

MR BRADY: Can I just take you over to page 1039. You see that there's an email on 28<sup>th</sup> of the 2<sup>nd</sup>, 2013 from Anthony Andjic. Who writes Fay,

thank you for your email and fee proposal. Your fee has been accepted. Do you see that?---Yes.

On Monday, 4 March, a site visit will be undertaken to finalise the scope. Are you available to attend? I will confirm times by this afternoon. Do you recall receiving that email?---Yes.

10 Is this the first time you've been asked to go on a site visit in your new role as a senior project manager for SAFF Constructions, SAFF Projects?---  
Probably.

All right?---I can't remember a hundred per cent.

And you have responded saying "Yes, I'm available to attend. I'll wait your -- I'll wait on your confirmation for the time of meeting". Do you see that?--  
-Yes.

20 All right. Did you need to speak to your husband to be able to reply to  
that?---No.

Right. Did you go to Cessnock Courthouse for a site inspection?---Yes. I  
have been to Cessnock Courthouse.

How many times did you go?---I can't remember exactly how many times.

More than once?---Perhaps.

Did you go on 4 March, 2013?---Can't remember the date.

30 Now, before you went to the first site inspection the Department, the first  
site inspection to Cessnock, had you been into the Department?---Maybe, I  
can't remember 100 per cent. I don't know if it was before or after, I can't  
remember.

Your sister worked at the Department of Justice, didn't she?---I knew that  
she worked for the Government, exactly which Department, no, I - - -

40 You know now, don't you, that she worked for the Department of Justice,  
right?---Yes, obviously now.

You know now that she worked for Asset Management Branch, right?  
---Now, yes.

And you know now that she was doing some project work for Capital  
Works, right?---Well, now, yes.

You say you didn't know any of that before these at least first emails with  
Anthony Andjic?---Prior to any of that, no, I didn't know.

Didn't have any idea that she was working for the Department of Justice?  
---No, not that Department but I knew she was working for the Government.

So the most you knew about your sister's employment was that she worked for the Government?---Yes.

You at that stage were living at home?---Yes.

10 Your sister was at that stage living at home?---Yes.

You were close?---Yes.

She never spoke to you at any time, do you say, about what Department of, what Department of the Government she worked for?---No.

Never?---No, not from my memory, no. We rarely talk about work.

20 Well, whether you rarely talk about work, surely at some stage you knew she worked for the Department of Justice before 2013?---No.

Well, did you ever say to her, what do you do with the Government?---No.

Did you ever say to her, how are you going with them?---No.

How are you enjoying it?---Do you like work, yeah, general chit-chat.

Well, when you say to her, do you like work, what would she say about it?  
---General chit-chat back.

30 And at no stage during that general chit-chat about work did she ever raise the fact that she was working for the Department of Justice?---No.

Never raised that she was working for the Asset Management Branch?---No.

In that chit-chat about work did she talk about the fact that she was being given an opportunity to work in project management?---No.

40 Never talked with excitement about the fact that she was moving from procurement into starting to look at project management?---No.

Never said a word about that to you?---Not from memory, no.

Well, did you ever talk to her about what she wanted to do with her career?  
---Like I said, we rarely talk about work. There's so much going on with our lives that work is probably our least priority when we discuss things.

Did you ever talk to her about what she wanted to do with her career?

---Maybe, maybe that came up, whether she wanted to move up, move on, earn more money, probably.

So if that probably came up surely where she was working and what she was doing would have come up as well?---It didn't, and if it did I can't remember that she mentioned it.

THE COMMISSIONER: Did she ever tell you where she physically worked, where she went during the day?---Work.

10

Yes. Where, where, what building?---Like what area?

Where, yes, where?---No, no.

So in all of Sydney you don't know where it was that she actually physically went to work?---No.

20

And she never spoke about any of the people that she associated with at work, her boss or those who were at the same level as her or those who were perhaps subordinate to her? She never - - -?---As in mention names and things like that?

Yes, you know, did she ever say, you know, there's this boss who's really, you know, annoying me at the moment, there was never any conversation about personalities at work or what was going on?---Maybe general chit-chat about work and disliking or liking or yeah.

And she mentioned names of people in that context?---No.

30

Oh, what, so she just said there were people that she didn't like?---Well, why would she mention names if I don't know anyone that works with her? It's irrelevant.

Could you answer my question? So did she just say that there were people at work that she didn't like without mentioning any names?---Yeah.

40

Did she ever say there were people at work that she really did like?  
---Well, we never had, we never had direct conversation about who she liked or disliked, I'm just bringing that up as an example, as if, if we have any conversation it would never be specific. There's a lot of things that goes in my life at work and I never give specifics, I'll just say I had a really tough day today or gosh, I don't want to think about work today.

But your sister knows that you're a teacher and she knew then, didn't she?  
---That I'm a teacher?

Yes?---Yes.

Mmm?---I'm more vocal and open and I talk about a lot of things. Not everyone has to have the same personality and my sister definitely doesn't have the same personality as me.

MR BRADY: Not only did she know you were a teacher, but she knew where you taught as well, didn't she?---You'd have to ask her that, I'm not 100 per cent sure if she did or she didn't.

10 Well, did you tell her?---I can't remember if I told her.

So when did you first learn that your sister, Fatima Hammoud, worked at the Department of Justice?---From memory, and I think I've said this before, it was when I saw her when I had to go and meet Anthony at the, at where, where he works.

When did you go and have to meet Anthony?---I can't remember dates, times, I can't remember.

20 Well, just in terms of when you first started doing work for SAFF Projects, was it days after that, was it weeks after that, was it months after that? ---I honestly can't remember.

So you say do you that the first time you knew Fatima Hammoud, your sister, worked at the Department of Justice is when you saw her in the building?---Yes.

But you can't remember when that was?---No.

30 You can't even remember whether it was days, weeks or months after you first started doing work for the Department of Justice?---No.

Well, what happened when you first saw her at the Department of Justice? ---I was surprised.

And?---I said, "Hey, you work here," something along those lines, I'm not going to say exactly.

40 What happened from there?---Then I had to have dealings with Anthony Andjic.

Well, did you say to her, what do you do here?---I said, "What are you doing here?" She said, "I work here."

Did you say to her, what work do you do?---Not really.

When is the first time you found out that she was actually working in Capital Works?---When I had to do a um, when I had a meeting with Anthony and she was involved.

Well, when was that?---I can't remember dates, I can't remember time.

THE COMMISSIONER: Sorry, was this after the first time you saw her in the building, was it a different time?---No, not from memory, no.

MR BRADY: It was the same time?---Like, that, when I went there the first time?

10 Yeah?---Yeah, it was the same time.

Right. So the very first time you work out that your sister works for the Department of Justice you just happen to have a meeting with her?---Yeah.

And did you say at that stage, oh, this might be a bit of a problem?---Of course.

20 Who did you say that to?---Anthony. I didn't say it was going to be a problem, I said, "That's my sister. What happens from here?"

And what did Anthony say to you?---That we had to fill out a conflict of – I don't know the exact word for a, for a document or whatever it's called, but we had to, I had to fill out that I knew her.

Right. And did you?---Yes.

30 So what was it that you filled out?---From memory a declaration, a conflict of interest, a declaration, I can't remember exact what it was, but it was a form stating that I knew her and she was my sister.

So you say you signed a form saying that Fatima Hammoud was your sister? ---Yes.

And what, gave that to Anthony Andjic?---Yes.

THE COMMISSIONER: Can I ask you, did you sign the form as Fay Rouze or as Fatima, sorry, Fayrouz Hammoud?---I signed it as Fay Rouze.

40 Oh, thank you.

MR BRADY: Why?---Consistency.

Consistency with what?---I was going to sign everything else under that name, I'm using that name.

Did you not see the slightest bit of a problem that you were using a name that isn't your legal name?---Honestly, no.

Even when you're signing a declaration for a Government purpose you didn't see it as the slightest bit of difficulty that you were using a name that wasn't your legal name?---Well, no, because I was telling the truth and obviously if I write that she's my sister - - -

So how did this happen that you wrote – that you signed this form, tell us how it happened?---Well, in a meeting.

10 Who was at the meeting?---Anthony, my sister and myself.

Just the three of you?---Yeah.

What about?---What was the meeting about?

Yeah?---We had to do a tender evaluation.

A tender evaluation?---That's what I was - - -

20 So you were actually - - -?--- - - - in there for from memory.

You were actually at the tender evaluation when you first saw that your sister worked for the Department of Justice?---From memory.

Right. That was the tender evaluation for Cessnock?---Probably, yes.

Tender evaluation in relation to ultimately Triton getting the job?---Yes.

30 And that's the first time you knew your sister was working at the Department of Justice?---Yes.

And you remember that quite clearly because it would have come as a great surprise to you?---That's right.

Before that you had no idea that she was working there?---No.

All right. Sorry, I interrupted you. Please go on. So it's you, Anthony and your sister at a Tender Evaluation Committee. Was it actually in the meeting of the Tender Evaluation Committee?---What was in the meeting?

40 That you – sorry. You're talking about when you were filling out the form?---Yeah.

And the fact that it was the three of you?---Yes.

It was actually the Tender Evaluation Committee where this – that - - -?  
---Yes.

- - - that was the meeting?---Yes.

All right. Okay. So tell us how it happened that you signed the form?---I saw her. We were there. Anthony was informed. I signed that declaration.

Okay. And that was effectively the declaration associated with the Tender Evaluation Committee?---Yes.

Excuse me one moment. I'll just show you a document if I can. It's 1459. Actually, go to 1457. Now, that's the front page of the Cessnock  
10 Courthouse redevelopment – you can go down a bit if you would please – tender evaluation report. Do you see that?---Yes.

Can I go over to page 1459. See there it indicates that the date of the Tender Selection Committee meeting is 15 April, 2013?---Yes.

Now, that's the committee meeting you're talking about where the three of you, that is you, Anthony and, and Fatima were involved, right?---(No Audible Reply)

20 Is that right?---Yeah.

On 15 April, 2013?---Well, yeah.

And that's the first time you say that you knew that your sister worked at the Department?---From memory. I'm not 100 per cent sure. Like I said before, I'm not 100 per cent sure but from memory I think so, yeah.

So you went and did a site evaluation of Cessnock Courthouse on 4 March, 2013 didn't you?---I can't remember the date but yeah, I did, I did visit  
30 Cessnock.

And I suggest to you it was 4 March, 2013?---You can suggest that.

Let me take you to 1043. Do you see that, "Project Cessnock Courthouse Upgrade, SAFF Projects Meeting Minutes"?---Yeah.

"Cessnock Courthouse, Monday, 4 March, 2013"?---Yeah.

40 You filled those minutes out?---Yeah.

You tried to make them accurate?---Yeah.

Who's the attendees?---There you go, so that's the date that the – that I first knew my sister worked for them. I told you I couldn't remember exactly the date.

THE COMMISSIONER: Well, just a minute. This was a site evaluation at Cessnock Courthouse was it, 4 March?---Yes.

Well - - -

MR BRADY: That's - - -

THE COMMISSIONER: In your evidence you said that the first time you knew your sister worked for the Department of Attorney-General and Justice was when you went to a meeting with Mr Andjic at his work?---Yes, from memory so obviously I was wrong and it was obviously the 4<sup>th</sup>.

10

All right. So - - -?---I wasn't 100 per cent sure.

It was 4 March that you became aware that your sister worked - - -?---Yes.

- - - for the Department?---Yes.

MR BRADY: More importantly - - - ?---And it probably was when I went the second time that I had to fill out the declaration form which is what I'm getting confused.

20

More importantly though, you spoke about meeting your sister and being surprised about seeing your sister at the Department of Justice actually in the building - - -?---Yeah.

- - - in which she worked?---Yeah, in that building, that level, in regards to doing the committee meeting. I was. I'm not lying.

Okay. Do you say that the first time you knew your sister worked for the Department of Justice, the Asset Management Branch and Capital Works was when you went into the Department and went to the meeting with Mr Andjic. That's what you said, didn't you?---That she actually worked for Capital Works?

30

That she worked for the Department of Justice at all is what you said, didn't you?---I'm not 100 per cent – like I said before, I wasn't 100 per cent sure if that was the first time. I was just surprised to see her in that building.

You didn't express any doubts about the fact that you, the first time you knew she worked for the Department of Justice is when you saw her at that meeting in the building?---I'm pretty sure I probably said I'm not 100 per cent sure because I wasn't.

40

You see there's a great difference between working out that she works for the Department of Justice when you're going to a Tender Evaluation Committee meeting and at a site inspection at Cessnock, isn't there? ---Sorry, what was the question?

Okay. Well, if the first time you worked out that your sister was working for the Department of Justice was at a site meeting at Cessnock, surely that would be something that would stick in your mind?---Potentially, yes.

I mean you turn up to this site meeting at Cessnock and suddenly your sister's there. Right?---Yes, she was from memory.

10 If that was the first time you knew she worked for the Department of Justice surely that would stick in your mind?---Isn't the Department of Justice a really big Department with different sections in it?

If that was the first time you knew she worked for the Department of Justice surely that would have stuck in your mind?---Is that a question?

Yes?---Repeat the question.

20 If the first time you met your sister and knew that she worked in the Department of Justice was at a site meeting at Cessnock, surely that would have stuck in your mind?---Most probably.

Well, did it happen that you found out that she worked for the Department of Justice at a site meeting in Cessnock or was it at the Tender Evaluation Committee in the city at the Department?---Well, obviously I don't know exact dates like I told you and I couldn't remember 100 per cent, but this obviously indicates on the 4<sup>th</sup>, that's when I saw my sister first.

30 Can we forget about the dates, don't even worry about the dates, let's just talk about the place at which you first found out that she worked for the Department of Justice. Was it at the Cessnock Courthouse or was it in the building of the Department of Justice?---Well, when I saw her in the building that's the first time that I knew she worked in that building, yes.

Don't worry about the building, we're talking about the fact that she worked for the Department of Attorney-General's and Justice, that was the context within which we asked the questions earlier, namely when was it that you first knew that your sister worked for the Department of Attorney-General's and Justice?---From my memory I thought it was at the building.

40 All right. Anyway, we're not – we might have to revisit this tomorrow but there's just one other thing that I needed to ask you. Is your evidence that whenever it was that you first realised that she worked for the Department, whether it was at Cessnock or whether it was at the actual building where you met Mr Andjic, was it that same occasion that you signed the conflict of interest declaration?---Yes, I did sign it, I had to sign one, yes.

And your evidence is that you definitely signed a conflict of interest declaration the very first time you became aware that your sister worked for

the Department?---Not at that courthouse but I did have to sign it when I went to the Department.

Well, sorry, can you please listen to the question. The question's very important?---Sorry.

I'm asking is your evidence that you signed a declaration of a conflict of interest on the very first occasion that you became aware that your sister worked for the Department of Justice?---Yes.

10

So it wasn't that you found out that she worked for the Department and then six weeks later you signed the declaration, the position was that you signed it on the occasion you found out that she worked for the Department, is that the position?---I signed a declaration that I knew my sister – I – we obviously alerted it then from, I can't even remember 100 per cent, but I know that I did sign the declaration that she was my sister. Now I've signed numerous declarations.

20

We know that, we know that?---Sorry, I'm not understanding the full extent of your question obviously.

No. Well, I'll try again, I'll try again. Whether you found out that your sister worked at the Department at the site meeting at Cessnock - - -?  
---Yeah.

- - - or whether you found out when you went to the Tender Evaluation Committee meeting at the actual building where she worked - - -?---Yeah.

30

- - - forget whichever it was?---Yeah.

Is your evidence that the very first time you found out that she worked for the Department it was that occasion that you signed the conflict of interest declaration?---Oh, sorry, yes.

That's your evidence?---Sorry. That I did sign it, yes.

40

On that first occasion, that's, that's what I'm asking you?---Oh, on that first occasion, no. The time I signed the declaration was at the – when I went to the office.

All right. So your evidence is that if you found out that your sister worked for the Department at Cessnock on the 4<sup>th</sup> of March it was another six weeks after that that you signed the declaration of conflict of interest?---Yeah, but I  
- - -

Is that what you're saying?---Yeah, but I did know that, I did alert the fact to Anthony and everyone about, yes.

MR BRADY: And do you say that it still came as a surprise to you to see your sister working in that building when you went to do the Tender Evaluation Committee?---Yes.

You see, didn't you in your meeting, in your minutes write this, "Attendees, Fay Rouze senior project manager, Anthony Andjic director Capital Works, AG and J, Fatima Hammoud representative Capital Works, AG and J." Did that not give a little bit of a hint to you that in fact perhaps your sister worked in the same place as Anthony Andjic?---Yeah, probably at that time.

10

Well, did that not lead to the conclusion that perhaps you weren't so surprised when you walked in and saw your sister in the same building as the meeting with Anthony Andjic?---No, not necessarily.

THE COMMISSIONER: We might have to leave it there for today and Ms Abouchacra, you'll have to stand down and return tomorrow morning promptly at 10 o'clock. In the meantime you're not at liberty to discuss any aspect of your evidence with anyone, that includes your husband and your sister and indeed any other member of your family. You can step down, thank you.

20

**THE WITNESS WITHDREW**

**[4.24pm]**

THE COMMISSIONER: Could I just alert the representatives unfortunately I won't be able to sit in the inquiry on Wednesday morning so we're going to have to do some rescheduling but I was proposing to sit from about 1.30 on Wednesday. I think we've got some problems on Friday as well haven't we?

30

MR BRADY: We do and in fact Friday we can't sit at all, if the Commission pleases, due to works on the building.

THE COMMISSIONER: Yes, and that's not our fault, apparently the building management is conducting some evacuation process so we're sparing you the ignominy of having to herd yourself outside and wait around in the environs of the building so could I just ask the representatives to factor in that process so we'll sit tomorrow from 1.30 on Wednesday and Thursday and then we'll resume on the following Monday. Thank you.

40

**AT 4.25PM THE MATTER WAS ADJOURNED ACCORDINGLY**

**[4.25PM]**