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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION YANCEY

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 23 JUNE, 2015

AT 10.09AM

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

THE COMMISSIONER: Yes, the section 38 order I made yesterday continues to apply as does your obligation to tell the truth. Yes, Mr Brady.

MR BRADY: Yes, thank you, Commissioner.

10 Ms Abouchacra, I just want to go back if I can and just ask you a couple more questions about Fay Rouze. Yesterday you said that in relation to your dealings with the Department of Education that you may have put Fay Rouze on the top of your resume. Do you remember saying that that?
---Yes.

Can you tell us which application that was?---I applied for many schools, I can't give you the exact one, no.

20 Well, how often did you use the name Fay Rouze on the top of your resume?---Can't remember.

Well, give us some idea. Are you talking once, are you talking 10 times?
---I can't remember.

You have no idea whether it might have been 100 times?---I can't remember.

30 Well, can you give us an indication of which schools you've applied for so we can just check on this?---I applied for a lot of schools, I can't remember exactly which ones.

You must have some idea about which schools you've applied for?---I've applied for Picton High - - -

Yeah?--- - - - Burwood Girls - - -

Yeah?--- - - - I can't remember exactly.

40 All right. When you were working at Kingsgrove put Fay Rouze on the top of your resume there?---No.

Because you know, don't you that you signed the declarations in relation to Kingsgrove North High School in the name Fayrouz Hammoud, don't you?
---I signed my name?

Yeah. You signed it in the name Fayrouz Hammoud, didn't you?---What my signature?

I'll just show you a document if I can?---Please.

I just want to take you to 3053. I'll just take you in fact back to 3051, just to show you what the document is just so you understand it?---Okay.

See that's the acceptance of a permanent position as a teacher. Do you see that?---Yes, yes.

That's the document you're signing?---Yes.

10 Can I take you over to then to 3053?---Yes.

Now you've said there, applicant's full name and you've put Fayrouz Hammoud, haven't you?---Yes.

Your signature relates to that name, doesn't it?---Yes.

So that when you're signing that document, whether you just put F Hammoud or otherwise, you're signing it as Fayrouz Hammoud, aren't you?---In this document, yes.

20

All right. That's what you signed, Fayrouz Hammoud. Right?---F Hammoud is my signature.

And what you're signing to is the name Fayrouz Hammoud, aren't you?---Yes.

All right. When you sign documents on behalf of – or when you sign documents in relation to the Department of Justice, did you sign them in the name Fay Rouze?---I told you yesterday I signed them as Fay Rouze.

30

You said, I think and let's make sure this is clear, Fay Rose seems to be what you're saying?---Fay Rouze, Fay Rouze.

All right. Just to make it clear we're talking R-o-u-z-e or s-e?---I can't remember exact z-e, s-e. If you show me the document I can confirm.

Well this was the name that you were using in all your dealings with the Department, right?---We established that yesterday, yes.

40 All right. And you don't know how you were spelling it?---You're talking a couple of years ago.

So let me take you if I can to – now you worked on – just while that's happening – you worked on a project for Hornsby, didn't you?---It may have been one of them.

For Hornsby Court?---I can't recall exactly what in regards.

Were you in a Tender Evaluation Committee for a project manager for Hornsby Court?---I can't remember.

All right. Well let me show you a document?---Please.

Now that's a document that is a Tender Evaluation Committee, sorry, a recommendation from a Tender Evaluation Committee. You see that?
---Yes, I see that document.

10 And you're signing off on that document aren't you?---Yes.

And you sign off in the name Fay Rouze don't you?---Yes.

And you actually sign F Rouze don't you?---Yes.

And you say do you that you saw nothing wrong with doing that?---At the time, no.

Well, how about now?---No.

20

You took a long time to answer that question. Why is that?---Because we went through this yesterday a thousand times.

THE COMMISSIONER: Well, we might go through it another thousand times until we get satisfactory answers?---Sorry, I didn't mean to be rude.

Ms Abouchacra, can I just inform you because I'm obliged to do this that it's open to the Commission to form the view that you are not honestly attempting to answer the questions to the best of your ability. If you keep answering I don't remember when the Commission forms the view that you in fact do remember, that you're simply avoiding answering the question, that is equally a foundation upon which the Commission might make an adverse finding against you. Do you understand what I'm saying?---Sorry, can you repeat that.

30

If the Commission forms the view that you are not honestly attempting to answer questions truthfully to be best of your ability then that is a basis upon which the Commission can make an adverse finding against you. So just by repeating I don't remember, it was a long time ago, doesn't necessarily mean that it's not open to the Commission to form the view that you are not making a reasonable effort to answer the questions that are asked of you. I have an obligation to point that out to you so that you're aware of the fact that the Commission can nonetheless make an adverse finding in the circumstances. Do you understand what I'm saying?---Yes.

40

Right. Thank you. Go on, Mr Brady.

MR BRADY: I was asking why it took you a long time to answer whether or not you saw anything wrong with what you have done now?---Because I was - - -

Do you, do you see anything wrong with what you have done now?---It may not be right.

Why not?---Because I think – or maybe on these documents you’re meant to sign your real name. I’m not a 100 per cent sure.

10

Why aren’t you 100 per cent sure that you should sign your real name?
---Because I don’t know 100 per cent about like, the document. I just think this document is going to impact on my file that like, I don’t know how to explain it properly. Let me just get my thoughts together.

THE COMMISSIONER: What, you don’t think the document has a legal effect. Is that what you’re saying?---Well, at the time I probably didn’t think so.

20

So does that mean where you don’t think that a document is going to have a legal effect or it’s not going to have an impact upon your life, you don’t make any effort to actually sign the document in a name that represents you accurately?---Well, at the time I just thought that’s the name I was using so that is the, the name that I use and probably, yes.

MR BRADY: And did you think to yourself why am I using this name in these circumstances?---At the time no, I didn’t.

30

You just did so because your husband gave your business cards in that name?---Yeah, like, so that’s why I used it. I didn’t think of like, legality or things that are related to this stuff.

On occasions did you sign documents that Fatima Hammoud had also signed for the Department?---I can’t recall. I may have.

For example, in the Tender Evaluation Committee in relation to the Cessnock Courthouse project?---Yes.

40

Well, when you see her signing under the name Fatima Hammoud did you think to yourself really I should be signing under the name Fayrouz Hammoud?---At the time no, because I know that we had the declaration so I didn’t really – I thought I’d declared it, I thought that, that’s the processes so I, no, I didn’t.

So that declaration that you signed you thought had some, at least, binding effect. Right?---Yes.

You signed that, you say don't you, in the name Fay Rouze?---From what I recall I probably did, yes.

Well, why if you thought that had some binding effect didn't you think to yourself oh, I really should sign this in my own name?---Well, in hindsight everything's great. Sorry, I just – at the time I must have just not thought about it that way. I just thought if you're declaring it that the, the connection's there.

10 Now can I take you back to 1043.

THE COMMISSIONER: Just before we go there, Mr Brady – Ms Abouchacra yesterday you said that you – and this followed upon several questions that I asked in an attempt to clarify the position, yesterday you said that you didn't sign the declaration of the conflict of interest until you actually went to the office which was some six weeks after you had the meeting at the Cessnock Courthouse so your answers to the questions Mr Brady has just asked are inconsistent with the evidence you gave yesterday. What you just said to Mr Brady was that you didn't think about
20 signing the document in relation to the Cessnock visit in anything other than Fay Rouze because you had already made a declaration of conflict of interest but that's not what you said yesterday so I'm interested to know which is the true position?---What I was saying in regards to that was obviously I couldn't remember exactly the first time like I stated yesterday but I did sign the declaration. The first time I signed that declaration was when I went to the office. I'm not 100 per cent sure if we calculate dates if it was six or, four or six weeks so I did sign the declaration when I went to the office but it must have been declared at Cessnock Courthouse where we met that we're related, I just can't remember 100 per cent.

30 Okay. So now you're saying that when you met at Cessnock it was there that you verbally - - -?---Verbally.

- - - declared that you were Ms Hammoud's sister but it was not until four to six weeks later that you physically signed the document, is that what you're now saying?---Well, yeah, because I don't think we had much dealings in those weeks leading up to going to the office.

40 Are you just making this up as you go along?---No, I'm telling you what I - best of my memory from back then.

MR BRADY: Can I – 1043. So these are the meeting minutes that we've been talking about, right?---(No Audible Reply)

I just need you to answer with an answer verbally - - -?---Oh, sorry, yes.

- - - so it can be – thank you very much. And this is when you first realised that Fatima was working for the Department of Justice?---Well, it may, it had to be.

All right. And that's at the Cessnock Courthouse where you meet her there? ---Yes.

Obviously you went up in separate cars?---Yes.

10 And just when you got to Cessnock Courthouse thought oh, Fatima, didn't realise you'd be at Cessnock Courthouse, is that what happened?---Yes.

All right. And then you found out not only that she worked for the Department of Justice but she also worked for the Capital Works Division within the Department of Justice?---Well, according to this, yes.

All right. Well, you prepared this didn't you?---Yes.

20 So you must have taken details about who each person was, right?---Yes.

And then put that down?---Yes.

So you found out from Fatima that she worked for Capital Works?---Yes.

Right. And it still came as a surprise to you when you then saw her in the Department building - - -?---Yes.

- - - some four to six weeks later?---Yes.

30 All right. And when you found out that she worked for Capital Works did you say well, what do you do in Capital Works, Fatima?---At that time we had a lot of family things going on during 2013 so - - -

THE COMMISSIONER: We're not asking you what you had going on? ---Sorry.

40 We're asking you whether or not at that time particular time you said well, what do you do meaning what does your sister do in Capital Works, that's what we're asking. Did you ask her that?---I may have.

MR BRADY: Well, you say don't you that this was a complete surprise you turning up to Cessnock Courthouse and seeing your sister at the Cessnock Courthouse?---I beg your pardon?

You say don't you it was a complete surprise you turning up at Cessnock Courthouse and seeing your sister at Cessnock Courthouse?---At the time.

You say it's a complete surprise, right?---It was a surprise for her to be there.

You weren't expecting to see her there?---No.

You turn up and Fatima's there?---Yes.

Well do you say to her "Fatima, what are you doing here"?---Yeah. I probably would have.

10

Well what did she say?---Her exact words?

I don't need her exact words but even roughly what did she say?---I can't remember.

You realised you say at that stage that this might be a problem in terms of the conflict. Right?---Yes.

20

So you obviously knew that Fatima was involved with courthouse projects? ---Well at that time I would've had to.

Because she's turned up to the courthouse?---Yes.

For the project?---Yes.

And you are at least part of the project manager for that courthouse project?--Correct.

30

And you say therefore, you thought I should declare this?---Yes.

And you declared it to whom?---To Anthony.

Right. So you immediately said to Anthony, oh, Anthony I didn't realise that Fatima works for you, she's my sister, or something like that, did you?--Maybe along those lines.

And what did Anthony say?---That it must be declared from memory maybe.

40

So he says it must be declared. Right. And what happened from there?---We had to meet the Registrar and we got through everything that was there on the, on the minutes.

Sorry. Can I go back. What I mean is what happened from there in terms of this conversation, him saying it must be declared?---I can't recall the conversation a 100 – like I can't recall the conversation a 100 per cent.

Did he say to you, ah, this might be a problem?---I can't remember.

Well, SAFF has got this project that's worth some 40-odd thousand dollars to SAFF. Right?---I don't know the figure.

All right. You knew it was worth a good deal of money, that would be fair to say, wouldn't it?---No. Because like I said I didn't have dealings when it came – are you – sorry, are you talking about the Cessnock project or are you talking about SAFF projects?

10 Well, the SAFF project for Cessnock. You knew that was worth a fair amount of money, didn't you?---I knew that my time being there was worth money, yes.

Did it not concern you that the fact that your sister was working for the Department might mean that SAFF would lose the job?---At the time I didn't really think of it like that, no.

20 All right. Well when Anthony says it must be declared did you say, well how do we go about that, Anthony?---I may have.

Did you say you don't really remember at all what happened once he said it must be declared?---I can't recall exactly but I know that he indicated to me that that there has to be documents that needed to be signed when it came to that.

Did he say something to you like, oh, I didn't realise there was a relationship because your names are different?---I can't recall.

30 All right. Now the work that you're doing for SAFF were you allowed to work outside being a teacher?---Are you asking am I allowed to - - -

Work outside being a teacher when you're working for the Department of Education?---I know you're allowed – you're allowed to have a second job, yes.

Do you need to declare that second job?---Most probably, I'm not a 100 per cent sure.

40 Right. You were doing a second job, right?---Well in my eyes - - -

Yeah?--- - - - I was helping my husband.

Well weren't you, when you went up to Cessnock courthouse charging yourself out?---Well my husband would have, not myself.

All right. So he was charging you out for money, right?---To?---

The Department?---Yeah. Obviously.

Right. You didn't see that as a second job?---Well I'm not the one getting paid.

THE COMMISSIONER: Well you were getting paid in so far as – as you've told us numerous times you were helping your husband because you were building a life together and his financial situation obviously reflected on your financial situation, didn't it?---Well fair enough, yes, in that regards.

10

Right.

MR BRADY: Right. So did you declare this to the Department of Education?---No.

Why not?---I didn't think I needed to.

Why not?---Because I don't think that it had a major impact on me working for the Department.

20

Right. What, because you were going to do it only outside Department hours?---Because I was going try.

Well, there's a difference between going to try and doing that isn't there?
---Yes.

So if, for example, it impacted on your work for the Department you would have needed to declare it in your mind?---Yeah.

30 One thing would be certain thought and that's this isn't it, you shouldn't be taking work off from your job as a teacher to do work for SAFF. That would be fair to say wouldn't it?---Yes.

That meeting on 4 March, 2013 was on a Monday wasn't it?---Yes.

Monday, the 4th of March, 2013 was a school day wasn't it?---Correct.

You took off the school day didn't you?---Correct.

40 Is that impacting upon your work as a teacher?---Well, I just took a day off. It impacts on my classes the fact that I'm not there but there is a casual teacher there and I set work there so talking about that impact I don't think it has a major impact but of course there's an impact.

So the answer to my question is yes, it impacted upon your work as a teacher?---If you'd like me to say yes.

It's not a question of whether I'd like you to say yes. Is the answer to my question that taking a day off to go and do work for SAFF Projects impacted on your role as a teacher?---Minor impacts, yes.

All right. When you took the day off did you tell the Department why you were taking the day off – to make it clear, the Department of Education as opposed to the Department of Justice?---Did I tell them that I was going to Cessnock?

10 Well, did you tell them I'm taking it off because I'm doing some work for my husband?---No, not the Department of Education.

What did you tell them?---That it was a sick day. I usually take sick days if I have things that I need to do.

Sorry, that it was a sick day. You told the - - -?---Or maybe FACS. One of the two. It could be one of the two.

20 You told the Department on 4 March, 2013 that you were sick?---Sick or FACS. I can't remember which one.

Right. Well - - -

THE COMMISSIONER: What's FACS, is that something like family leave is it?---Family Community oh, leave, yeah, something – yeah, it relates to that.

30 Well, either way it wasn't one of those was it, you weren't sick and it wasn't family leave?---Well, no.

MR BRADY: Let me just show you a document if I can, 3081. Now, just to be clear that's your name at the top?---Yes.

That's leave applications. Do you see that?---Yes.

That's your employer ID – employee ID number?---I haven't memorised it but if my name is next to it, yeah.

40 All right. Do you see on 4 March, 2013 to 4 March, 2013 there's one day off?---Yes.

Do you see next to that it says S-i-k – S-i-c-k-l?---Yes.

That's sick leave isn't it?---Yes.

Does that mean that you told the Department of Education that you were sick on 4 March, 2013?---Yes.

And told them you were sick so you couldn't attend to your job as a teacher?---Yes.

And that of course was a lie wasn't it?---Well, I wasn't sick on that day.

That of course was a lie wasn't it?---Yes.

10 So in terms of impacting upon your role as a teacher you're not only taking a day off but you're also lying to the Department of Education, right?---I don't really like the word lying because I think if you have sick leave you're, you're entitled to take it. That's, this is my opinion.

THE COMMISSIONER: Well, it might be your opinion but you've already admitted a short time ago that you weren't sick on that day?---Yes.

Neither were you taking family leave but for present purposes you weren't sick and you told the Department that you were. How is that not a lie? ---Okay, for that purpose, yes.

20 All right. And of course the consequence of that is that the Department pays you because you are entitled to payment for sick days and it also pays a casual teacher to run the classes that you are not there to run yourself? ---(No Audible Reply)

Is that a yes?---Sorry, yes.

Thank you.

30 MR BRADY: Did you do that on other occasions to do work for SAFF and your husband?---Yes, probably.

How many times?---I can't give you an indication about exact times, I'm going to have to go through dates which, dates which I do not have.

Okay. All right. Now you then prepared that document that we see – sorry, can we go back to 1043. You then prepared that document that we see on 4 March, 2013?---Can we go through all of it, is that possible? Yes.

40 Okay. Did you do that with the assistance of your husband?---No.

All right. So you did that by yourself?---Yes.

All right. From there what was SAFF's role in project management? ---From this point?

Yeah?---I'm just trying to remember to back then, sorry.

Well, can I ask it in this way then, just generally what would be the role of a project manager from this site meeting onwards?---Sorry, can we go to the bottom of this document?

Sure?---Because I think it states what I needed to do.

Well, before we just do that then can you just tell me generally as a project manager in construction what's the next move from here?---Well, with the minutes they have to come in a form of scope and sequence, that scope of works that needs to be formulated.

Right?---From that scope of works there had to be a tender process from memory that they have to put out all these documents on what needed to be done in regards to the projects of that courthouse.

Right?---Then obviously a tender needed to be selected.

Yeah?---And then from – look, I might be missing things, there might be things in between all of the processes, I might be skipping a few things but I know that the project needs to start, I know that you need to put a risk assessment in to make sure that that's all covered.

This is basically the first time you were doing this isn't it, when you were doing it for Cessnock?---This was the first project from memory.

Yeah, but the first time you've ever done any of these things?---Yes.

What's an MW21 contract?---I couldn't recall right now what it is.

Did you then after you've done this draft the tender documents?---Sorry, did I what?

Draft the tender documents?---I can't remember.

Can I take you to 1046.

THE COMMISSIONER: Just while we're on the subject of the minutes of that meeting at Cessnock, is there any reason why the minutes don't reflect the conflict of interest that you declared to Mr Andjic?---I'm not sure if I had to write them in there or not, if that was a process of having to write them in there.

Well why wouldn't you write them in there? If that was – if that was a declaration of conflict of interest at the meeting why not write them in the minutes?---It's a good point but at that time I honestly - - -

It didn't occur to you?---No.

MR BRADY: You see that's an email from SAFF Projects to Anthony Andjic?---Yes, that's an email.

Did you send that?---I may have.

So you may have. Let's just go through that if we can. Did you draft the risk registrar for Cessnock?---Yes. Yes.

How did you do that?---On Excel, it must've been.

10

How did you work out on a construction basis what the risks were?---Well when we – went through the site I obviously had notes and then I'd come back and get advice off my husband.

So your husband helped you draft the risk registrar on behalf of SAFF for that project?---Sorry, when it comes to regards to construction, yes.

Okay. Did you then draft the tender documents?---Are they all those documents there?

20

Yeah?---I can't remember. I need to have a look at them if that's possible?

Well this is the first time you've done these things for the Department. Right?---Yes.

You can't remember whether the first time these things came out under your name whether you actually drafted them?---I can't remember the exact documents.

30

All right. And you note there that you've been busy setting the protocols for Cessnock Courthouse, do you see that in the second paragraph? In the meantime I've been busy setting the protocols for Cessnock Courthouse?---Yes.

Were you setting the protocols for Cessnock Courthouse?---I can't remember.

40

THE COMMISSIONER: What does that mean? What does it mean when you say you've been setting the protocols for Cessnock Courthouse?---It must've been like the works and how it needed to be done. I'm not 100 per cent sure. I need to see documents to hopefully remember.

MR BRADY: I'll take you to those in a second and I will take you those documents. Sorry. I'm just reminded about something in relation to the site meeting. Did your sister – what did your sister say to you when she saw you at the site meeting?---I can't recall the conversation.

Did she say something like, look I didn't realise you'd be working for Shadi?---I can't remember. I can't recall the conversation.

Did she say something like, look I thought you were a teacher?---I can't recall the conversation.

MR CHALMERS: Sorry.

THE COMMISSIONER: Yes.

10

MR CHALMERS: A bit confused. This sounds like a conversation of someone speaking to her not – it sounds like describing - - -

THE COMMISSIONER: It is. What's being asked of the witness is whether or not she can recall what her sister said - - -

MR CHALMERS: That's right.

THE COMMISSIONER: - - - at Cessnock Courthouse.

20

MR CHALMERS: That's right.

THE COMMISSIONER: Right.

MR CHALMERS: But it's – the way the question was done it sounded like it was the other way around.

THE COMMISSIONER: No. Whether or not you remember the precise words, is the context of what Counsel Assisting is putting to you is that broadly consistent with what your sister said or is there's some other topic of conversation that you can recall?---I honestly can't recall.

30

MR BRADY: Well, when your sister was no doubt having a conversation with you about the fact that you were there was Anthony Andjic there at the same time?---Anthony Andjic was at the site.

But was he there when this conversation about how you two have come together at Cessnock Courthouse was taking place, was he there then? ---I can't recall.

40

So you don't know for example whether your sister in the presence of Anthony Andjic said something like, I thought you were a teacher?---No, I can't recall.

Or why are you here?---I can't recall.

Or I did realise you were helping your husband?---Was that, sorry, was that a question?

Yes, of course it was, you know it's a question don't you?---No, sorry, I thought you were just saying the - - -

All right. So you can't recall that either?---I can't recall the conversation.

Right.

10 THE COMMISSIONER: Your sister knew that you were married to Mr Chacra didn't she?---What year was this?

Oh, this is at Cessnock Courthouse.

MR BRADY: So your partner, your sister knew your partner.

THE COMMISSIONER: Your sister knew your partner?---Yeah, she would have.

20 MR BRADY: When you say she would have she did didn't she?---Well, I can't remember exactly when I introduced him to the family. It's not culturally acceptable for us to know we're talking about, we're talking to someone or getting to know someone.

Didn't you and your partner and your sister and her respective partners from time to time go out and do things together as sisters?---Yes ---

I'm talking prior to this meeting at Cessnock?---No.

30 What, never?---It's not - - -

You never socialised with your sister in the company of your partners? ---My partner, yes, because I eventually told my parents about - - -

No, no, no, I'm not interested in whether you went out with your partner, I'm asking did you never on any occasion go out socialising with your sister when you were in the company of your partner and she was in the company of her partner?---She didn't have a partner back then.

40 Well, at any time that she did have I'm asking you did you ever socialise with her?---No.

At all, never?---She's never had a partner, like - - -

Well, did you socialise with her at any time when she didn't have a partner but you were in the company of Mr Chacra?---Yeah.

Oh, you did?---Yeah, we would have.

Right. Yes.

MR BRADY: All right. Let me just take you to the documents that we're talking about if I can. Can we go to 1048. See that MW21 general conditions, were you involved in that?---Can I see the, the rest, is that possible?

10 Yeah, we'll just go to the next page, 1049. The next page. Next page. Do you recognise that type of document?---This looks like it's just generalised. I can't remember 100 per cent.

Okay. Well, let me go if I again then can to 1077. Now part of the MW21 included contract information didn't it?---According to this, yes.

Do you see there that the contract information in that document is just missing?---Yes.

20 Well, was that part of a document that you sent through under that email that we've gone back to?---Sorry, are you, are you asking if that, this exact document is the one I sent?

Yeah?---I can't remember.

Well, do you remember filling out any details in relation to the documents that were sent through on that email from SAFF Projects to Anthony Andjic?---No, sorry, I don't remember.

30 All right. Anyway, so you may or may not have sent through that information, that may have been your husband, he may have filled them out, is that basically the evidence you don't know one way or the other?---I can't remember.

All right. Okay. Now, what I'll do if I can is go over to 1147. That's an email from Anthony Andjic to SAFF Projects. Do you see that?---I see that it's from Anthony, yes.

All right. To SAFF Projects?---Yes.

40 And you see that your sister, Fatima Hammoud, is copied in?---Yes.

So no doubt obviously in those circumstances that she's involved with this particular project, right?---Correct.

But you knew that from the site meeting on 4 March anyway - - -?---Yes.

- - - right?---Sorry. Yes.

Did you get that email?---Sorry, can I just read it?

Yeah, of course?---I'm sorry, what was your question?

Did you get that email?---I can't remember if I read it or my husband read it. I can't remember.

You then, at least you can remember becoming involved in the tender process can't you?---Yes.

- 10 You remember being involved with the Tender Evaluation Committee?
---Yes.

All right. And the Tender Evaluation Committee was dealing with wasn't it three tenders?---From memory three tenders were selected.

Now, what work did you do for SAFF between those emails that I've just shown you there and then the Tender Evaluation Committee?---I can't remember.

- 20 All right. What I might do is just take you to 1205 if I can?---Yes.

Do you see that is an invoice from SAFF Projects?---Yes.

Do you see that it's an invoice in relation to Cessnock?---Yes.

Because it indicates Cessnock site visit doesn't it?---Yes.

And that's dated 13 March, 2013. Do you see that?---Where's the date. Oh, yes.

- 30 Do you see there that under project manager's costs there's a Cessnock site visit?---Yes.

And that's nine point five hours?---Yes.

That's you?---Yes.

Charged out at \$190 an hour. Do you see that?---Yes, I can see that.

- 40 In addition to that there's the preparation meeting minutes charged out at two hours at \$190?---Yes.

That's all you?---Did I do those works?

Yeah?---Yes, I did them.

And you're being charged out at \$190 an hour as a senior project manager, right?---Yes.

Didn't have a difficulty with the fact that you're being charged out at \$190 an hour as a senior project manager bearing in mind your experience and qualifications?---When it came to this I just wrote down what I did and put the hours that were spent next to each one.

Okay. It then has a heading "Administration works", do you see that?
---Yes.

10 And it's 20 hours?---Yes.

At \$190 an hour, right?---Yes.

Well, what was that?---I can't remember.

No idea?---I can't remember. I honestly can't remember.

Well, was that at 20 hours at \$190 an hour?---I can't remember.

20 Did you take a note of how long you spent on projects?---Most of the time.

Well, no doubt you kept a running tally of the hours you'd spent working on projects, right?---Yes.

Do you still have the notes that you set out how much time you spent on each of the projects?---No.

30 Why not?---Because I dealt with all that information with my husband, like I didn't, I didn't personally like document them or put them, like document them.

Because we know the administration works can't be for example in relation to the tender documentation preparation can it?---To be honest I can't remember.

Well, we can see underneath the project manager's cost tender document preparation - - -?---Oh, yeah.

40 - - - 12 hours can't we?---Yes, yes.

At \$190 an hour?---Yes.

Was that you being charged out for 12 hours' work at \$190 an hour?---I can't remember.

And then there's risk register preparation, that was you you say?---Yeah, I -
- -

In conjunction with your husband?---Yes.

Being charged out for two hours at \$190 an hour, right?---Yes.

Well, up until 13 March, 2013 what would have been the administration works that took 20 hours?---I can't remember, I can't recall.

Now can I take you to 1380. Do you see that's the Triton Group Company Pty Limited Cessnock Courthouse redevelopment tender?--- Hmm.

10

Do you see that?---Yes.

You knew didn't you at the time that you were on this Tender Evaluation Committee that your husband owned Triton Group - - -?---Yes.

- - - Co Pty Limited?---Yes.

There was no doubts about that?---Yes.

20

All right. You also knew didn't he, that he owned SAFF Projects?---Yes.

You were then involved weren't you with the evaluation of the three tenders that were provided in relation to the Cessnock construction?---Yes.

What knowledge and experience did you bring to that Tender Evaluation Committee?---I was the third party probably at that time. I'm not 100 per cent sure.

30

Did you bring any knowledge, experience or qualification to that Tender Evaluation Committee?---I didn't bring a world of experience, no.

Did you bring any?---I feel that I was capable enough to go by criteria and understand each one.

Right. So there were criteria set out weren't there - - -?---Yes.

- - - in relation to a Tender Evaluation Committee?---Yes.

40

Some of that criteria was non-price, right?---I'm not 100 per cent sure for back then but yes, it would – usually is. There's, there's usually a non-priced and a priced criteria and then their percentages are different from memory.

And when you say from memory you mean basically only having dealt with these things on behalf of SAFF?---Yes.

All right. So it would be fair to say this, that before going into this Tender Evaluation Committee you had absolutely no idea what the non-price

criteria was?---Yes. Oh, wait. Sorry, hold on. Can you please repeat that question.

Yeah. Before going into this Tender Evaluation Committee you had no idea what the non-price criteria was?---Non-priced criteria?

Yeah?---I can't remember. Maybe – I can't remember.

10 Or was that something you did a bit of research on the Internet about?---I can't remember.

In any event, did you then prepare a tender evaluation report?---I may have. I just – I can't give you a sure – a for sure answer.

The three companies that tender, tendered, one was Triton. You agree with that?---Yes.

20 The second was a company called Graph, G-r-a-p-h, Building?---I can't remember the other companies.

All right. And third I want to suggest to you was Programmed Pty Limited, Programmed Property Services. You don't know one way or the other today?---I can't remember if it – the exact names of the other companies.

And you today can't tell us whether you prepared the tender evaluation report in relation to those tenders for the Cessnock construction?---I can't remember. If, if it's up there then I can maybe recall.

30 All right. Well, this was a Tender Evaluation Committee looking at whether or not Triton should get the job over two other companies, right?---It was a committee to review the three tenders.

Okay.

THE COMMISSIONER: Well, you had to pick one out of the three didn't you?---Yes.

40 You had to make a recommendation as to which company got the job?
---Yes.

Right.

MR BRADY: All right. Let me take you to this then, 1457?---Yeah.

You see that has a heading SAFF Project - - ?---Yes.

- - - Cessnock Courthouse - - - ?---Yes.

- - - Redevelopment Tender Evaluation Report?---Yeah.

Do you see that?---Yes.

Is that a document you prepared?---Can I see more of it, is that possible?

Yeah. Can we go over to the next page, 1458 and then 1459. Do you see that's an introduction Cessnock Courthouse Redevelopment?---Yes.

10 Do you see that?---Yes.

Is that a document you prepared or still can't tell?---I may have.

Well, may is different than did. Can you still not tell whether or not you prepared that document?---I can't remember 100 per cent.

Can we go through to the next page please?---Yes, please.

20 So this is 1460. It indicates the Background to the Cessnock Courthouse Redevelopment?---Yes, I must have.

So you prepared this document?---I must have.

Well, when you say you must have, do you remember preparing this Tender Evaluation Report?---Yes.

No doubt about that?---Yes

30 Do you want to look at more of it to make sure?---Sorry, please.

Well we'll go over to the next one?---Yes.

So is that a yes, I can now say confidently I prepared that report?---Yes.

You therefore, in preparing that report were making a recommendation in relation to the tenders. Right?---Yes.

40 How did you go about doing that?---Can I just add, when I went there I did sign another declaration that Triton was related to SAFF. I just would like to add that. So there was a declaration signed that I knew Triton for conflict of interest.

Okay.

THE COMMISSIONER: Do you know where that declaration would be?--
-Well I had to hand it to Anthony at that time.

Can we just go back a page - - -?---Ah, like if there's a declaration in the report?

Yes?---Once again - - -

Oh, you couldn't say?---I did not – I don't think I wrote it in there.

10 Can we just go back a page and just scroll down that page where it says background. Do you see it says each member signed a tender process code of conduct refer attachment 2. Do you see that?---Yes.

Is that what you would've signed to declare your interest in SAFF?---Code of conduct. I think they were two different things. I'm not – I can't remember. I have to see the code of conduct and a copy of the, um, sorry, the declaration.

20 MR BRADY: Well, unfortunately, attachment 3 of 1470, I'm sorry, 1469, which was attached to the report doesn't in fact have anything behind it. If we go to 1470, any idea what happened to it?---Sorry, can I ask a question? Was this emailed through, this report? I can't remember exactly whether it was a hard copy, whether it was emailed through.

THE COMMISSIONER: Well what we're interested at – interested in at the moment is that there is nothing appearing behind the title page to the attachments. Can you explain why that would be so?---It could be that I printed it out and there was a hard copy and I put them in there because they were signed and I didn't scan. I can't remember.

30 MR BRADY: Let me take you if I can then to 1455 and 1456. See if we go down the page that's an email from you on 17 April, 2013. Hi Anthony, and go over to the next page to show it. Hope you're well. Please see attached Cessnock tender evaluation report and score sheet for your review. Please let me know if you need any clarification or other assistance in regards to the report. Do you see that?---Yes.

So did you send that through?---Yes.

40 All right?---But I also – I can't remember if I also sent a hard copy with the other attachments. I can't recall.

So are you say do you that the TEC code of conduct that's referred to in attachment 2 was actually sent through at some stage and it showed that you declared your relationship to Triton?---No. Like I said before, I can't remember if the code of conduct and the declaration were the same forms or not. I can't remember.

All right. Well whether it's the same form or not you say that there was a declaration also sent through, was there?---One or the other, yes. It was declared.

Right. Saying your relationship with Triton?---Yes.

What did you say?---That Triton and SAFF were related.

10 Well what did you say about how they were related?---That I'm, I'm his wife.

Well how does that related to SAFF and Triton?---Because Shadi is the owner of Triton.

Right. And the owner of what else?---Ah, sorry, and SAFF.

20 So did you say, you wrote down in that declaration that SAFF and Triton are owned by the same person?---I can't recall exactly what I wrote in that declaration.

MR BRADY: Well, that would be declaration that you'd need to make wouldn't it, in terms of conflict of interest, SAFF who is doing the report - - -?---Yes, correct.

- - - is owned by the same person who owns Triton who is one of the tenderers, that's what you'd need to put wouldn't you?---Correct.

30 Do you say that that's what you wrote in this declaration that you sent through?---I can't remember what I wrote in that declaration when I sent it through or if it was a hard copy or not.

THE COMMISSIONER: But whatever it was that you wrote it would have to have conveyed the meaning that Mr Brady has just put to you, namely that SAFF and Triton were owned by the same person, ie your husband? ---Yes.

Right.

40 MR BRADY: And did you hear anything back from anyone about the fact that you put forward that SAFF and Triton were owned by the same person? ---Did I personally hear something back?

Yeah?---No.

So you didn't hear something back from someone saying well, that might be a little bit of a problem in terms of whether there's a conflict in SAFF doing the evaluation of the tenders?---At that time when we were doing it I can't

recall the exact like conversation when I was – you know what, I can't recall. I'm not going to make something up, sorry, I honestly can't recall.

So part of the tender evaluation report is to actually evaluate the companies isn't it?---Correct.

To evaluate their ability to do the job?---Correct.

10 To evaluate their ability to meet the finances for the job?---That's part of it, correct.

All right. So what research did you do on Triton?---We just went off the actual tenders from memory.

When you say we who's we?---The committee.

You're writing the report aren't you?---Sorry, are you referring to the actual report?

20 Yes?---And what was the question again?

What research did you do on Triton?---Can I re-read the report if possible please?

Yeah, you can indeed. So let's go to where we're talking about the evaluation criteria at 1462. So that's the evaluation criteria review, do you understand that?---Yes.

30 That's what you're writing about the companies?---Yes.

So you're writing it about Graph Building?---Yes.

Do you want to have a quick read of what you wrote about Graph Building?---Please. Can we go a bit lower.

THE COMMISSIONER: Ms Abouchacra, have you actually ever seen this document before?---Yes.

40 So you're not reading it now for the first time I take it?---Well, it was two years, two or three years ago. I can't remember.

I know that. I'm just asking you, you're not reading it now for the first time are you?---No.

So you prepared the document, you're familiar with what's in it?---I'm, I'm familiar but I'm not exactly sure. It was two years ago when I was – when it was written.

All right. I think we might take a morning tea adjournment and allow the witness to look at the document and we'll resume at 25 to 12.00. Thank you.

SHORT ADJOURNMENT

[11.14am]

10 THE COMMISSIONER: Yes, sorry about that delay. Yes.

MR BRADY: I wonder if just before Ms Abouchacra comes back into the witness box can I make an application in fact on behalf of counsel for Mr Abdul Hammoud, Ms David - - -

THE COMMISSIONER: Yes, Ms David.

20 MR BRADY: Your Honour made an order on 11 June, 2015, I wonder if that order might be varied to allow Ms David access to material in relation to the last time Mr Hammoud was here.

THE COMMISSIONER: Oh, yes, yes. Ms David wasn't acting for Mr - - -

MR BRADY: No, she wasn't, she now is.

THE COMMISSIONER: - - - Hammoud at that time?

MS DAVID: He was unrepresented at the time, yes, thank you.

30 THE COMMISSIONER: Yes, thank you. Yes, Ms David, I'll vary the suppression order I made in relation to the evidence given on 11 June this year and allow that variation so that you as Mr Hammoud's representative can have access to that material.

THE SUPPRESSION ORDER MADE IN RELATION TO EVIDENCE GIVEN ON 11 JUNE 2015 BY MR HAMMOUD IS VARIED TO ALLOW MR HAMMOUD'S LEGAL REPRESENTATIVE TO HAVE ACCESS TO THE MATERIAL

40 MS DAVID: Yes, thank you.

THE COMMISSIONER: And you appreciate that that's only for the purposes of his representation?

MS DAVID: Yes.

THE COMMISSIONER: Yes, thank you.

MS DAVID: Thank you, thank you, Commissioner.

THE COMMISSIONER: Yes, could we have Ms Abouchacra back in the witness box please. Thank you, Ms Abouchacra. Just take a seat. Yes, Mr Brady.

MR BRADY: Yes, thank you, Commissioner.

10 Now you've had the opportunity of reading that tender evaluation report?
---Yes.

Did you write it?---Yes.

How did you go about making the evaluation?---From the tender process.

All right. And how else?---I just went from the criteria in the tender process that we did and typed up the report.

20 Right. What was the criteria?---There was non-priced then priced criteria.

Sorry?---There was priced and non-priced criteria.

What was the non-priced criteria?---I think experience, recommendations.

Ms Abouchacra, did you write that tender evaluation report?---When I went outside I didn't read it all, I was speaking to my lawyer mostly.

30 THE COMMISSIONER: That wasn't in response to the question, put the question again, Mr Brady.

MR BRADY: Did you write that report?---Yes.

Or did someone else write that report?---I wrote the report.

40 How did you go about writing the report bearing in mind your lack of experience with construction matters?---I got a pro forma, an example pro forma from the Internet and I filled it all in with, with the information from the tenders, the tender process and the criteria at that time.

Did you do any checks on any of the projects that have been set out by the various companies in the applications?---No.

Why not?---I don't have a valid reason for it.

Did you do any checks on the companies themselves?---I just went by the tender process, the tender evaluation process.

Did you check how long Triton Group had been a company for example?
---No.

Did you know that Triton Group was only set up in 2012?---I knew that my husband had a company, had a business for a long time but I'm not 100 per cent sure which date that company was set up but I know that he set up a company.

10 Now ultimately you recommended Triton for the job didn't you?---Yes.

And in fact you made it perfectly clear as far as you were concerned that the TEC agreed the submission provided by Triton Group Co was excellent and clearly demonstrated their understanding of the key issues to successfully deliver the proposed works. That was what you concluded?---Yes.

And that was all on the back of the tender application that they'd put in?
---Yes.

20 Did you check, for example, what work they'd done at Blacktown Court?
---No.

Because that was one of the projects that they indicated they'd done wasn't it?---From the tender?

Yeah?---I can't remember the tender.

Okay. Let me take you to it at 1402. So this is the tender that you then reviewed. You see it says Blacktown Courthouse?---Yes.

30 \$50,000?---Yes.

Did you find out what that was?---No.

Did you find out that was effectively just soundproofing a wall?---No, I didn't research it.

Huntleys Point redevelopment for \$5 million. Did you make some inquiries in relation to that?---No.

40 What about the insurance repair at Mosman for 250,000, did you make any inquiries about that?---No.

So no doubt in relation to Huntleys Point redevelopment that took place according to this between March 11 and December 11 you didn't find out whether or not Triton Group company was even in existence at the time that that was being done?---No.

Did you make inquiries in relation to the personnel that Triton Group were going to use?---No.

Was one of the reasons you chose Triton do you say is because of the clarity of their tender submissions?---That's what I have in the report.

That they set out very clearly the cost that it was going take. That's what - -
-

10 Is that what you say?---That's in – if that's in the report.

Well, you're the one who was making the evaluation back then weren't you?---Yes.

You were assessing the tenders that were put in?---Yes.

Was one of the reasons do you say that because it was a very clear tender from Triton?---Submission clearly defined. Yes.

20 So one of the things you no doubt looked at was how the cost was going to be broken down as well, right?---I can't remember.

Because there would then be a real clarity in a tender if they set out each of the individual things that were going to be charged for, right?---I can't remember, like - - -

Well, see, Triton Group put in a, ultimately a tender for about \$203,000, right?---That's what it states, yes.

30 And no doubt in assessing the value – sorry, the tender, one of the things you would want to know is how they broke those figures down, right?
---Yeah, you would.

Yeah, and what each amount of work would cost?---Yeah.

Right?---Yes.

Because that would then show the plan that they had to do the work?---Yes.

40 And we see, for example, at page 1411 from Programmed Property Services we see that they've broken down how they come to the conclusion that it's going to be 102,000. Do you see that?---Yes.

So that one can see clearly what the costs associated with each part is, right?---Yes.

So no doubt that's something you took into account in determining which tender should win, right?---Sorry, can I go to the bottom of this document.

Of course you can?---Sorry, and the top? I'm just trying to look for if there's anything in it that they've indicated about, um, variations or anything like that. Sorry, I was just looking for if that, that may be the sum but they can also put variations which could increase the cost throughout the works which a lot of them don't put in there.

10 Right. When you say a lot don't put in, how many tender evaluations have you now done?---Well I haven't done a lot like I said. But I know that that's – when we were talking in the, um, the meeting that's something that we spoke about.

All right?---From memory.

And was that one of the factors that led to the conclusion that Triton should get the job?---I'm not a 100 per cent sure. I'm sure there was a lot of factors that were the criteria – in regards to the criteria, sorry.

20 Can I take you then if I can to page 1426. That's the tender from Graph. You see that?---Yes.

And again they set out clearly each step of the process and the costs associated with that. Right?---Yes.

And it's a fairly important factor in determining whether or not there's a clarity to the, to the tender so that you can see what they intend to do. Right?---Yes.

30 Let me take you Triton's, 1383. That's the tender submission put in by Triton in relation to the Cessnock Courthouse. Do you understand that?---Yes.

Have they set out anything in terms of the progress and the payments associated with each step?---No.

Was that something you referred to in your tender evaluation report in terms of the clarity of Triton's tender?---No.

40 Is that not going to be something that would be reasonably important in determining the strength or otherwise of Triton's tender?---Sorry, what was ---

Was that not something that was going to be important in determining the strength or otherwise of Triton's tender?---But it's – yes, it's important but not subject just to that. If you're looking at the breakup of percentage when you're looking at the criteria.

Well in relation to that criteria – can I take you over to 1442. See that’s a tender evaluation plan for Cessnock Courthouse?---Yes.

Do you see that Program Maintenance Services Pty Limited, Graph Builders and Triton Group are the ones associated with it?---Yes.

Can I go down then to the bottom of that page for the non-price criteria and relative weightings. See it indicates tenderer’s organisation and personnel used?---Yeah.

10

Tenderer’s methodology in delivering of services including program?---Yes.

Tenderer’s previous experience on similar projects?---Yes.

Was that the weighting that you used?---I can’t remember but it must have been if this states it.

You see, if we go to your scoring and that’s at 1473 this is something that you obviously filled out?---(No Audible Reply)

20

Is that right?---That’s part of the document, yes.

Did you fill it out?---Yes.

You see on the non-price scoring criteria you’ve got the tenderer’s organisation and personnel?---Yes, number 6.

Right. Can we just – when you filled that out for Triton you gave them, didn’t you, a 90 score?---Yes.

30

Apart from Mr Chacra who was going to be used in the project?---I can’t remember.

Well, did Mr Chacra set out who was going to be used in the project?---I can’t remember the tender.

What about the tenderer’s previous experience, do you see that, giving a weighting there, maximum score obviously 100, a weighting of 20, do you see what you’ve given Triton?---No.

40

You’ve given them a 90?---90, that number 8? Is that what we’re referring to?

Yeah. Do you see that?---Yes.

On the basis, on what basis did you give Triton Group a 90 in that?---What was written in the tenders.

Cessnock - - -?---If there was. I can't even remember 100 per cent.

Well, Cessnock Courthouse was a heritage building wasn't it?---I can't remember.

Cessnock Courthouse, think about it and just think of – at least picture it in your mind. You went there didn't you?---Yes.

10 Right?---I went to a few so I can't even remember which one that exactly is, it would be helpful if there was a picture.

All right. Can I take you to a picture then. Go to 1303, 1303. Scroll down. Does that remind you?---Yes.

It's a heritage-list building wasn't it?---Yes.

20 From the tender that was sent in what experience was shown that Mr Chacra had with a heritage-list building?---I can't remember the exact details in the tender.

THE COMMISSIONER: Well, you have to be able to evaluate the tenders on the basis that the applicants have to demonstrate some knowledge or expertise in the renovation of heritage-listed buildings didn't you? That was one of the criteria wasn't it?---I can't remember the exact criteria.

Well, you understand don't you that the demands of renovating a heritage-listed building are quite different to the demands of renovating just any old building?---Yeah, of course, yes.

30 Well, I mean, the companies who were competing for the tender, that had to be one area of expertise that they could satisfy wasn't it? It had to be?---I can't remember 100 per cent.

Whether you remember or not I'm asking you now - - -?---Yeah, it should, it should - - -

- - - do you agree?---Sorry, yes, I do agree.

40 You do agree?---Yeah, it should be.

MR BRADY: So in order to get a 90 wouldn't Triton have to have supplied a good list of experience with some projects of similar complexity, would that be right?---Yes.

So their list of experience with projects of similar complexity would include obviously heritage listed courthouses wouldn't they?---It should.

So where in Triton's bid do we find indication that they've got a list of projects of similar complexity by way of heritage listed courthouses?---Like I said, I can't remember the tender exactly, like all the information that was in it.

It also would need to have used MW21 contracts in the New South Wales Government Procurement System wouldn't they in order to get a 90?---I can't remember.

10 How many projects have Triton done where they were using the MW21 contracts in New South Wales Procurement Systems?---I do not know.

Did you make some inquiries about whether or not Triton was on the prequalified list for the New South Wales Government?---No, I didn't.

Did you know that they weren't?---No.

Were the other two companies on the prequalified list for the New South Wales Government?---I do not know that either.

20

Apart from what was said at the Tender Evaluation Committee meeting did you make any inquiries before doing the tender evaluation report?---This report here?

Yeah?---No. Like I said, I solely went on the actual evaluation meeting.

And when you say you solely went on the evaluation - - -?---Like I - - -

- - - meeting, was Mr Andjic a part of that meeting?---Yes.

30

Was he running that meeting?---Yes.

Was he giving you assistance in what you should say in the report?---No. He was just going by the criteria and giving me what the percentages are and stuff like that. Not giving me. We were just talking about it when we were doing the three tenders.

All right. And were you then taking notes about what he was saying?---I was taking notes what everyone was saying.

40

Were you taking notes of what he was saying?---He specifically?

Yes?---I was taking notes of comments being made about each tender, yes.

Right. And the comments being made by each tenders were by Anthony Andjic, right?---Not solely Anthony.

And by Fatima Hammoud, right?---Yes.

So the two of them were making comments about which company they believe should get the job?---Going by the criteria, yes.

And that then formed the basis of your evaluation report?---Yes.

10 Did you add any of your own experience in making the assessment about what you should put in the tender evaluation report?---Like I said before, I did get a pro forma and put it in there and added the notes from what I thought went in there relating to the criteria.

THE COMMISSIONER: Can I just ask you, do you know if your husband had ever written a tender evaluation report similar to the one that we're referring to now?---No, I do not know.

Did you ever ask him if he'd ever written one?---No.

20 So you didn't receive any assistance from him at all in relation to writing this particular tender evaluation report?---No.

And you say the only assistance you got was from downloading some kind of template from the Internet?---And doing research about it and the criteria and what, what was said was in the tender meeting.

Doing research about what?---Just about criteria and how to set this up and the language to be used.

30 Sorry, do you mean to - - -?---Like the correct terminology to be used with - - -

But do you mean to say that you had access to a tender evaluation report that had been completed in relation to a similar project?---Sorry, not completed, no, but they do have samples like, on the Net that - so I, I got this information with the samples and put it all together.

And you didn't get any assistance at all from anyone else when you did that?---No.

40 Are you absolutely sure you want to stick to that answer, Ms Abouchacra? ---Yes.

Right. So SAFF was your husband's company, wasn't it?---Yes.

No doubt as far as you were concerned he would've been interested to ensure that the work coming out of SAFF was up to scratch. Right?---Yes.

So did he look over the tender evaluation report that you were doing for SAFF?---Like this report?

Yeah?---No.

So he didn't look over that to make sure that the work that was coming out of SAFF was good enough to come out of SAFF?---No.

Because you didn't have any experience in building at all, did you?---No.

10 Apart from working with Bankstown Council and preparing some things for kids at school you didn't have any project management experience either, did you?---No.

And you say that Mr Chacra didn't look at that tender evaluation report at all?---No.

How did you feel about the fact that you were recommending that your husband's company get a contract worth \$200,000?---Happy for my husband.

20 Do you think that might've been a bit problematic in terms of a conflict of interest in you doing the tender evaluation report?---I just thought putting in that declaration would cover us.

Do you think that you feeling happy for your husband that he got a \$200,000 contract would be a problem in terms of the conflict of interest in you doing the tender evaluation report?---No. Because once I put that declaration in I thought that it would be covered.

30 THE COMMISSIONER: Is it your understanding that just because you declare a conflict of interest that that absolves you from any responsibility to do anything further in relation to this process?---Yes.

MR BRADY: What were you going to say to your husband if he gave the contract to someone else?---If he gave the contract to someone else I would've said that because of the criteria it didn't meet certain things.

40 THE COMMISSIONER: I thought, I thought we'd already established that on the criteria that prevailed your husband's company didn't meet some of those criteria?---But it was - - -

Haven't we just been through all of that?---Yes.

He didn't meet some of those criteria - - -?---Yes.

- - - did he?---Yeah, no.

Right. But he still got the tender?---Because he met most of the criteria but not specifically everything of that criteria.

MR BRADY: Well let's look at just another one of those criteria then if we can. You gave him – in terms of his organisation and personnel a score of 90. That would require the fact that it would list personnel in four required disciplines with demonstrated experience. Do you do that?---I can't recall exactly what was in the tender.

10 Well the demonstrated experience surely would have included, for example, work on a heritage listed courthouse?---It would have played a part, yes.

Well how did Mr Chacra demonstrate that he had himself for demonstrated experience on work on a heritage listed courthouse?---I do not know.

THE COMMISSIONER: Well does that mean that you acknowledge that he didn't have any?---No. I'm just saying it might've been written in the tender and I can't remember.

20 But wouldn't you know whether or not your husband had previously had experience renovating a heritage listed courthouse?---No. My husband's been doing - - -

Well did you ask him? Did you ask him if he'd had that experience?---No. I didn't.

MR BRADY: So in any event you make this recommendation and your husband gets the job. Right?---Yes.

And you were happy about that?---Yes.

30 Because that would help you both plan for your future?---Yes.

Money coming in to both of you?---Yes.

Again, you didn't think that was a problem in terms of conflict of interest because you'd declared the conflict?---Correct.

40 All right. Well, what then was SAFF's role moving forward?---To make sure that it had really good communication with the registrar, to make sure that the works were done, that the timing was there, that the court sittings weren't on during the times that works were being done, that the builders had access to the building and areas that may not, that the public may not have access to, speaking to other external people that are working on the project like in the case of Cessnock would be the gates, making sure that communication with the police from memory which is I think next door was also happy with the gates being put in because from memory they had to come in and out of that driveway.

So part of that was making sure the works were done, right?---Yes.

So were you therefore supervising whether or not your husband as Triton did the work?---Yes.

How?---I called the registrar a few times and I think I did another site visit from memory.

You don't have any experience with construction at all, right?---Correct.

10 You don't have any experience with how much it would cost to put in a lift for example?---Correct.

You wouldn't have any experience with how much it would cost to renovate a wall?---Correct.

How are you going to supervise whether or not the work was being done?
---Sorry, I don't understand your question.

20 Well, no doubt what Triton would then do would be put in a bill for the work that was done, right?---Correct.

And what you would need to do as the project manager is assess the bill against the work, right?---I didn't assess the bill against the works, I just assessed the works. Anthony assessed the bills that had to do with the works.

30 So let me get this right, what you're saying is that Mr Andjic then took on that role of assessing the work and whether or not the amount paid was referable to that work?---Yes.

Not SAFF Projects?---No.

Well, isn't that part of the project manager's job?---In that, in that case in that courthouse, no.

Why not?---I can't give you an answer.

40 Was it because you just couldn't do it?---Well, I don't see why if, if the work's been done, I was there to make sure that things would run on time like I said before and - - -

THE COMMISSIONER: Well - - -?--- - - - and once - - -

Wait a minute?--- - - - once invoices, invoices were never sent to SAFF - - -

Just a minute, let's just go back - - -?---Okay.

- - - a step. A minute ago you said that you ensured that the works were done by having conversations with the registrar and visiting the courthouse I think you said on a couple of occasions. Is that how you ensured the works were done?---To visit to make sure that what was meant to be on the scope of works was done in the courthouses, yes.

But a moment ago you said you spoke to the registrar?---Yes, and of course I had to have communication with the registrar in regards to court proceedings and things like – and access.

10

I'm not interested in that, I want to know how you made sure that the works were done, how did you do that?---I visited.

So you physically went to the courthouse?---Yes.

How many times?---Once or twice from memory.

Once or twice?---Yes.

20 Over what period of time?---I can't remember exactly.

Well, was it weeks, was it months?---I can't remember.

Over what interval, ie, was it once at the beginning and once at the end or was it two periods close together?---I know there was once after the gate was installed, I know that one and I can't remember the next time that I visited.

30 Did you go inside the courthouse to look at the work that was being completed?---I can't remember.

Are you serious?---Because I know, I know - - -

You can't remember whether you went inside the building? Did you go inside the building on one of these visits?---I must of, yes, but I, I remember having a conversation with the registrar and also the gate guy - - -

40 I'm not worried about conversations with the registrar. I'm just trying to ask you one question at a time. You went inside the building did you not to determine whether the work had been done?---Yes.

Did some of that work involve repairs to the walls of the courthouse where for example there was damp, rising damp?---Yes, there was meant to be painting and patching.

Right. Do you know that when there's rising damp you have to actually go down and excavate below the building and determine whether or not the damp course needs to be replaced, do you know that?---No.

You don't know that?---I don't have a construction background.

So how would you know that that work was completed to that standard if you didn't know that that was what was required?---I didn't know it had to be to that standard when we were writing the scope of works, there was painting, carpet changing - - -

Oh, really?--- - - - lifts.

10

Ms Abouchacra, I really have to put this to you, you are making this up aren't you? You are making it up?---No.

Go on, Mr Brady.

THE WITNESS: I'm telling you what I know.

MR BRADY: So did Anthony say to you when he had to assess the work done against the amount paid look, isn't this what we're paying you to do? ---No.

20

Because wasn't that part of what they were paying you to do?---To check the sites and make sure that works are done, yes.

And to make sure the work is done properly, right?---Yes.

To make sure it's done to an appropriate standard?---Yes.

How in the world were you possibly ever going to be able to do that?---I just went by the scope of works and the advice of my husband.

30

Right. Now we're getting to it. Your husband was basically the one who was telling you whether it was done right or not, is that right?---Yes.

And you were just accepting what he was saying, right?---Yes.

Because he was the one who knew?---Yes.

You didn't?---Correct.

40

That didn't then strike you as this is a real problem in terms of a conflict of interest with SAFF Projects managing what my husband is doing?---Like I said before when that declaration was signed I did think I was covered in that respect.

THE COMMISSIONER: You were covered for what? For accepting your husband's say-so that the work had been done?---No.

MR BRADY: Now did you go to a meeting on 30 May, 2013 at Cessnock Courthouse?---I can't recall the exact date.

Okay. Well, let me show you a document if I can. Thank you, that's 1492. Do you see that?---Yes.

Now is that a minute of a meeting at Cessnock Courthouse?---That is what it states.

10 Right. And do you see the attendees there?---Yes.

It says Fayrouz?---Yes.

Now that's you?---Yes.

Anthony Andjic?---Yes.

And Shadi Abouchacra?---Yes.

20 And it's dated 30 May, 2013 at 10.30am?---Yes.

Did you prepare that minute?---I can't recall.

Well, was part of your job with SAFF to go to site meetings?---Yes.

And part of your job when you went to site meetings was to prepare a minute, right?---Correct.

30 And in fact you then charged as part of SAFF for going to site meetings?
---Correct.

And for preparing minutes, right?---Correct.

Okay. Did you prepare that minute?---I can't recall.

You see, you didn't have the same difficulty did you in saying whether you prepared the minute on 4 March, did you?---No.

40 You said clearly you'd prepared that minute. Right?---From memory.

You're having some difficulty saying whether or not you prepared this minute. Why is that?---Because it was a long time ago.

There is nothing on the face of that minute to indicate anything other than you were there and you prepared it. Right?---Correct.

So why are you hesitating to say that you prepared that minute?---Because I can't remember.

It's because you didn't, isn't it?---I can't remember.

You see that was Thursday, 30 May, 2013, wasn't it?---That's what the date states.

On Thursday, 30 May, 2013, you were at work as a teacher, weren't you?---Like I said, I can't remember.

10 You were in Sydney, weren't you?---I can't remember.

THE COMMISSIONER: If – can I sorry. I just want to understand what you're saying. Are you saying that it's quite possible that you were in Sydney working as a teacher but you just can't remember now?---Correct.

In which case if that was the fact then that minute of that meeting is a fabrication?---Well it's not a fabrication. I'm sure it would've happened. But my husband would've went.

20 Well it's a fabrication in so far as you weren't there?---Yes. Correct.

Right.

MR BRADY: Because it was your job, wasn't it to go to SAFF site meetings. Right?---When I could, yes.

And the idea behind that was for SAFF to be able to project manage the project. Right?---Correct.

30 And project manage your husband?---Correct.

Effectively what's happening if you're not at that meeting is your husband's project managing himself?---Correct.

And that's what was happening, wasn't it?---If I was at work on that day, then yes. But I can't remember.

Generally that's what was happening, wasn't it, your husband was just running the project, wasn't he?---To some extent, yes.

40

Well, to the entire extent really, wasn't it?---I don't agree with that.

Now can I just take you if I can to 1454. You might recall the last tax invoice I showed you was 13 March, 2013 for \$11,159.50. Do you recall that where we went through what administration works were and - - -?---Yes.

- - - the fact that it included the tender documentation preparation?--- Yes.

This bill then is on 17 April, 2013. Do you see that?---Yes.

Project manager costs, \$20,972?---Yes.

Works associated with Cessnock Courthouse. Do you see that?---Yes.

Including tender review, tender report and other tender requirements?---Yes.

10 What's included in that?---Well it states it there.

Okay. So that's the tender review that we've seen. Right?---Correct.

So does that include then going to the Tender Evaluation Committee and doing the tender review?---Yes, it could.

When I say tender review, the tender report because there were no other tender requirements were there?---Well, the review would have been the, the meeting. The report's obviously the report.

20

Yeah. So how long did the meeting go for?---I can't remember.

Well, was it more than a day?---I can't remember.

You've listed it as 15 April in your tender report haven't you?---Do you want to just check that.

Yes?---Yes, it does say 15 April.

30 It doesn't say 15th and 16th does it?---No.

So not more than a day, right?---Correct.

And then the tender report is written by 17 April isn't it?---I can't remember.

Have a look at it?---If it was sent – oh, sorry, does it say that it was sent on 17 April? Where would it state that, what would I look at?

Sorry?---Where would it state that I sent it on the 17th? I can't remember.

40

All right. Can I take you to the email of 17 April at 1455, 1455 being the page rather than the time. See that email 17 April, 2013, "Hi Anthony. Hope you're well. Please see" - - -?---Sorry, that says Thursday, 18 April.

Down the bottom?---Where?

This is the email I took you to before where you've, where you've attached the - - -?---Oh, sorry.

Yeah?---Yes.

17 April, 2013?---Yes. Yes.

Right. Attaching the report?---Yes.

So you've done it then by 17 April, right?---Yes.

10 So the Tender Evaluation Committee meeting is on 15 April, right?---Yes.

The report is done by 17 April?---Correct.

Maximum then really of three days' work?---Between the two times, the dates, yes.

Just tell me how do you then get to, at 1454, how do you get to \$20,972 for three days' work?---Like I stated before, I did not put the costings.

20 THE COMMISSIONER: So did that figure come from your husband?
---Yes.

MR BRADY: Did you see that before it went out?---No.

Well, see, you needed to provide to your husband didn't you times that you were working?---Correct.

So that he could understand what he needed to put into an account?
---Correct.

30

So no doubt you provided to your husband the times that you were at the Tender Evaluation Committee?---Correct.

The time you spent doing the report?---Correct.

And then as a result of that you say that he sent out a bill for \$20,972?---No, there's other tender requirements I can't remember.

40 All right. Okay. So the other tender requirements – let's go back a step, sorry. So you did three days' work and then the other tender requirements added up to the \$20,000-odd?---I can't give you exact figures.

THE COMMISSIONER: Sorry, when you say other tender requirements, that would be SAFF project management requirements?---Yes, it would refer to that.

Because this only refers to the project management?---Correct.

MR BRADY: So what were the other tender requirements?---I can't recall.

Even if in fact you worked twelve-hour days over those three days to get the Tender Evaluation Committee and the tender report out at \$190 an hour that's \$6,840. You accept that sounds about right?---If you put it on the calculator and that's what it says.

That means the other tender requirements are \$14,132 worth?---I'm not sure.

10

That's some two and a half times what the attending the Tender Evaluation Committee and writing the tender report is worth?---If you want to work it out that way it does, it is like that but I'm not 100 per cent sure.

Well, what was worth \$14,000 in the other tender requirements?---It may not be solely just on the tender requirements.

You see, that would be then 74 hours of your time to make up to that figure, what did you spend 74 hours on in relation to the other tender requirements?
---I do not know.

20

THE COMMISSIONER: Is that because this amount bears absolutely no relationship to what work you did do by way of project management?
---No, I wouldn't say that necessarily.

Well, what would you say if you can't remember what it was that you did and you say that this figure was provided to you by your husband how do you justify that amount for the project management?---I'm not sure.

30

MR BRADY: Did Mr Andjic ever come to you and say hold on a second, I was there for the Tender Evaluation Committee, the tender evaluation report came within two days, how in the world do you get to \$20,972?---No.

Did he ever ask you anything about that account?---No.

Can I now take you over to 1493. It's another bill of 12 June, 2013, do you see that?---Yes.

Project manager costs at \$7,062.50, you see that?---Yes.

40

Now all the figures I've been going to are without the GST added, understand that?---Yes.

And that's for works associated with Cessnock Courthouse including site visit 2, do you see that?---Yes.

Now site visit 2 would have been 30 May, 2013 wouldn't it?---I don't remember.

If the date of the invoice is 12 June, 2013 surely site visit 2 included in that would have been the site meeting of 30 May, 2013, right?---Perhaps.

You don't know whether you went there on 30 May, 2013?---No, I can't remember.

You see your husband should be up at that site meeting for Triton shouldn't he?---Yes.

10

Not for SAFF?---No.

Which means that really what's being charged out there is you being at that site visit, right?---Yes.

And what's being charged out there is you doing the meeting minutes, right? ---Yes.

20

You didn't do either of those two things did you?---I can't remember.

And then some incidentals of four units whatever that is. How does that come up to \$7,062?---I do not know.

Because the first site visit I think you charged 9.5 hours, right?---If that's what it states.

Do you remember on 30 May being at Cessnock Courthouse for numerous hours?---I can't remember.

30

Who decided that was incorporated in that is worth \$7,062.50?---Sorry, who decided?

That's what incorporated in that was worth \$7,062.50?---My husband did do the invoicing.

Did you ever receive a call from Mr Andjic saying, why is that worth \$7,062.50?---Not that I can recall.

40

Well when you say not that I can recall, you - - -?---Well, no, I don't know, no.

Right. Let's make that perfectly clear, you didn't receive a call from him saying how is that worth \$7,062.50?---No.

Can I take you to 1495. Actually I'm sorry, we might go back – can I take you to 1488. So that's a bill from the Triton Group for the sum, including GST \$64,328. Do you see that?---Yes.

As project manager did you check those works?---I can't remember.

Did you ever see that bill?---This bill?

Yes?---No.

So just correct – to get this right, Mr Chacra for the work that he was doing for construction didn't show you the bills that he was putting in?---You mean the tax invoice?

10

Yeah. Tax invoice?---No.

You were project managing?---Yes.

You didn't want to see the tax invoices he was putting into the Department to see how much they were worth and what was supposed to have been done?---No.

20

Well how would you work out what was supposed to have been done was done?---I didn't deal with costings.

Well regardless of dealing with costings, you don't even know what he was putting forward as having been done?---In this, no.

So how could you check that what he put forward as having been done was actually done?---I went by the scope of works.

So I'm assuming then at 1489, you never saw that bill either?---No.

30

Nor notice that that account was sent on 24 May and the one previous to that was sent on 27 May, some three days apart?---No.

And I'm assuming if I take you to the rest of Triton's accounts the answer's going to be exactly the same that you never saw them?---Yes.

THE COMMISSIONER: When you say you went by the scope of works, I'm not sure I understand what that means?---We'd – on the first site visit and with, um, obviously the registers have a wish list and we write down what scope of – like what's the most priority into that courthouse and what needs to be done. So that's the scope of works I went by.

40

Yes. But, but you keep saying you went by the scope of works. The scope of works was a description of the work that needed to be done. Is that right?---Correct.

Right. What you're being asked in relation to these tax invoices is how did you know that the work on the invoices was in fact done. Now the scope of works wasn't going to help you with knowing that, was it?---(No Audible Reply).

Because the scope of works was simply a description of what needed to be done?---Yes.

Well unless you saw the tax invoices you didn't know whether the items on that invoice corresponding with the scope of works, did you?---No. Not a 100 per cent. Like that's correct.

Well not at all?---Yeah. That's correct.

10

So the scope of works wasn't going to help you in order to determine whether the work had been done?---To some extent it does help because if you're talking about painting, painting obvious, carpets obvious, putting lift in which is big machinery is obviously, having a gate is obvious, they're there. Fixing the rubble on the ground.

Well, is this all information that you acquired by going to the courthouse and observing these things with your own eyes?---Yes.

20

Is that what you're saying?---I did do a site visit to check those things.

But that's what you're saying, you're saying that you simply went to the courthouse, the things that you saw so far as they corresponded to the scope of works, you understood that those things had been done?---Correct.

What about all the things that were done in the scope of works that couldn't be seen by the naked eye?---I didn't check them.

30

MR BRADY: So when did you go and do the review to ensure that the works had been done?---I can't remember. Can't remember the date.

1 July, 2013?---I can't remember.

I might just take you to 1502. Commissioner, excuse me just one moment. Do you see that is a project, Cessnock Courthouse Upgrade SAFF Projects Meeting Minutes?---Yes.

And it indicates that you were there?---Yes.

40

Anthony Andjic was there?---Correct.

And Shadi Abouchacra was there?---Correct.

Did you actually prepare those minutes?---I can't remember.

Were you there?---Yes.

You remember that?---The gate thing is jogging my memory.

Right. That's when you reviewed the gate is it?---Yeah.

Okay. When did you review to see whether or not the disability lift had been put in?---I know that it took some time to put in but I haven't physically seen it but I have made a phone call to see if it's there.

Well, aren't you supposed to be checking that it's done properly?---That should be one of my jobs, yes.

10

It wasn't until November, 2013 that it went in. Would that be right?---I can't remember the exact date.

You didn't go up and have a look?---No, not at the lift.

Did you what, ring the Registrar to check that it had been done?---I do remember, yeah, making a phone call, making inquiries and I also asked my husband.

20

All right. Okay. So ringing the Registrar to check that your husband had done the work that he told you he'd done?---Yes.

Is that what you did?---I remember – I recall calling the Registrar. I can't recall the conversation and I do recall asking my husband if it was put in.

Can I take you over then to 1504. Do you see that's an email from you to Shadi Chacra?---Yes.

30

tritoncon@live.com.au?---Yes.

And you've copied in Mr Andjic?---Yes.

You've started that email by saying, "Hi Shadi, hope you're well"?---Yes.

Was that to try and pretend that there was some distance between the Triton Group and SAFF group that you'd start that email with "hope you're well"?---Trying to make it professional.

40

Because you would have known whether or not he was well or otherwise surely?---Yes.

So was it trying to pretend something that wasn't actually the case?---No, I don't agree with that.

THE COMMISSIONER: Why would you need to send an email to your own husband?---To have a paper trail.

Well, but you've already told us that all of these amounts that were required for the purposes of the tender evaluation report and all of the information that was provided for the purposes of these invoices, it all came from your husband. You simply asked him for the material and he gave it to you?
---But in regards to this I was just attaching the meeting notes.

No, no, no, no, answer my question. You've already told us that all of the information that you required for the tender evaluation report and the tax invoices, that all came from your husband?---Yes.

10

And when you wanted to know if work had been done you asked and he told you?---Yes.

Well, you didn't create a paper trail for that did you?---No.

Well, why did you do this?---To attach the meeting minutes.

Well, why didn't you go home one night and say here you are, here are the meeting minutes?---I could of.

20

MR BRADY: Was it again to try and pretend that there was some distinction between SAFF and Triton?---It could be, to be professional.

THE COMMISSIONER: Well, it needs to be made clear to you I think, Ms Abouchacra, what's being suggested is that this was a device, it was a ruse, it was a con, it was designed to demonstrate some kind of independent relationship which was basically a sham. Is that what it was?---I don't agree with that.

30 Right. Thank you.

MR BRADY: The mail address of SAFF Projects, do you remember what that was?---It was a PO box.

Can I take you to that. That's a PO box - I'm sorry, at 1493. That's one of your tax invoices. Can I take you - oh, it's in fact at the top as well. See the PO Box 51, Manahan if I'm pronouncing that correctly, NSW 2200?
---Yes.

40 All right. So SAFF Projects is your husband's company, right?---Yes.

Set up by your husband?---Yes.

Set up by your husband in 2013?---If that was the date, yes.

Triton is your husband's company?---Correct.

Set up by your husband?---Correct.

And set up in 2012?---The company.

Can I take you over to 1505. That's a Triton tax invoice?---Correct.

Do you see at the top all correspondence - - -?---Yes.

- - - to a PO box 5389 Chullora NSW 2190?---Yes.

10 It's different - - -?---Yes.

- - - than SAFF projects?---Yes.

Why?---You need to ask my husband that.

Well, you see you're working for SAFF Projects, right?---That's correct.

You surely knew there was a difference between the mail address for Triton Group and the mail address for SAFF Projects?---Correct.

20

Well, did you ever wonder why?---Not really, no.

When you say not really does that mean you did but you sort of ignored it?
---No.

Well, what does not really mean?---I'll take that answer back and say no. I didn't wonder why.

30 Wouldn't it have been easier to have them as the same PO box so you could pick up all the mail at the one time?---Perhaps.

It's not perhaps is it, it is easier isn't it?---Yes.

So why didn't you say to your husband look, why are we having to go to two places to get these things?---Because I didn't really care.

Is that again to try and show there's some difference between SAFF and Triton when there in fact was no difference?---No, I disagree with that.

40 Now what other projects did you do for SAFF?---There was Cessnock, one was - I can't remember like - - -

You did Cowra, is that right?---I can't remember, I need to see. I can't remember.

Well do you remember doing Cowra courthouse?---Yeah. That should be one of them.

THE COMMISSIONER: Do you know where Cowra is?---Cowra is in a rural area, yes.

Yes. Well can you explain to me where Cowra is, how do you get there?--- You have to fly there.

Do you?---You can drive there but, but you can also - - -

10 Well did you fly or did you drive there?---I can't remember.

Well tell me where it is in New South Wales? If you're driving how do you get there?---I do not know from driving.

Well give me an idea, what's the closest other rural town to Cowra that you would go through to get to Cowra?---I'm not a 100 per cent sure.

What direction would you go in from Sydney if you were going to Cowra?-- -I'm not a 100 per cent sure. I probably - - -

20 Well do you know at all? Forget about a 100 per cent, have you got any idea?---No. Because I probably flew there.

Right. Well let's just go back a step. Is it south, is it on the south coast?---I couldn't tell you. I'm not a 100 - - -

You couldn't tell me?---No.

30 You couldn't tell me if Cowra was on the north coast of New South Wales?-- -No. I couldn't.

And you couldn't tell me if Cowra was to the west of Sydney?---No.

Do you know if Cowra is to the west of the Blue Mountains?---I can't tell you.

MR BRADY: Did you go to a site meeting at Cowra?---I can't remember.

40 Can I show you this, 1616. Now that's a project Cowra Courthouse upgrade project meeting minutes. Do you see that?---Yes.

Dated 5 April, 2013?---Yes.

Indication of the attendees. Anthony Andjic?---Yes.

Margret?---Yes.

No last name?---I'm not sure why I didn't put her last name.

All right. And Fay Rouze, you. Right?---Yes.

Were you at that meeting?---Can I please read the bottom?

Yeah. Of course?---Yes, I think I was.

Okay. And you no doubt in those circumstances did the minutes?---Yes.

10 All right. At that meeting you obviously were working out what needed to be done?---Yes.

How did you go about doing that with no construction experience?---Can I go down to the scope of works, please?

Of course?---We did a lot of the requests from the Registrar when it came to painting and carpet.

20 So are you basically just putting in there what the Registrar was telling you that they wanted done?---Not a 100 per cent. I also got some – obviously Anthony was there.

So Anthony assisted with what needed to be done as well?---Of course.

Would it be fair to say this. You effectively were just a minute taker during the course of those meetings?---No.

30 Did you give your own input in relation to construction issues for example?---Not – not with construction, no. But I did with design with and colour and carpet.

Okay. So can I then take you over to 1622. That's a tax invoice in relation to that site office. Do you see that?---Ah hmm.

Eleven hours for the project manager's costs?---Ah hmm.

And that's at \$190 an hour, right?---Yes.

40 So your role for \$190 an hour was to take the minutes and then give some advice about colours and carpet and the like?---Not just that but - - -

Well, what else?--- - - - they're examples.

What else then?---It's also to go around to communicate with the Registrar, to have a visual view of the site.

To do what?---To make sure that there is a written scope of works and prepare things that may need (not transcribable) but I'm not even too sure that anything got done like, after this.

All right. Well, let me ask you about that?---I can't remember 100 percent.

When you say you're not sure whether anything was done after this does that mean that SAFF didn't really do any further work on Cowra?---No, sorry, I'm not talking about – oh, this work was done but I'm not – I can't remember if this was the courthouse that no further proceedings have taken place due to budget reasons or of the life. I'm not 100 per cent certain if this was the courthouse.

10

Well, what did you do in relation to the Cowra Courthouse other than prepare these minutes?---Prepared the minutes. I know I did a risk register. I visited the site.

What else?---I can't remember.

Well - - -

20 THE COMMISSIONER: Can I just ask, the 11 hours for the site visit suggests that you drove to Cowra because you weren't having a meeting for 11 hours were you?---I can't remember.

Does that represent the time it took you to drive there and have the meeting?---It may be driven. It may be when I flew there, came back. I honestly can't remember if I did drive.

30 Well, it wouldn't take you 11 hours to fly there, have a meeting and come back would it?---And I, and I can't remember – on occasions when we did go to courthouses I did travel with Anthony Andjic.

30

Well, that was what I was coming to. Did you in fact attend this meeting with Andrew and you drove out there in his car?---It could be possible, yes, I just can't remember 100 per cent.

So did that happen on more than one occasion that you went with Mr Andjic in his car to these courthouses?---Yeah, I did go to a few.

40 MR BRADY: So what else did you then do with Cowra Courthouse?---I can't remember.

40

It was a heritage-listed building wasn't it?---With paintings, I've got to go back and check if it was the external paintings on the wall that had the patterns, I can't, I can't remember.

Did you contact the council in relation to doing heritage works?---No, because I'm not sure if anything further went from this. I'm not 100 per cent sure.

THE COMMISSIONER: You keep saying you're not 100 per cent sure - - -
?---Because - - -

Well, no, just a minute. I'm just trying to make sure I understand what you're saying. When you say you're not 100 per cent sure do you mean to say that you have some idea but it's a bit vague or do you mean to say that you've got absolutely no idea whatsoever?---No, I know that one of the courthouses - - -

- 10 No, no, no, I'm not talking about this particular answer, I'm just saying it's an answer you commonly give, I'm not 100 per cent sure, does that mean that you've got no idea or does it mean that you have some idea?---I have some idea or I can't remember, yeah.

Well, when you have some idea can you please tell us what it is and when you can't remember can you please say I can't remember because that actually doesn't tell us very much, simply saying I'm not 100 per cent sure?
---Okay.

- 20 We might take the luncheon adjournment, Mr Brady, and we'll resume at 2 o'clock.

MR BRADY: If the Commission pleases.

THE COMMISSIONER: Thank you.

LUNCHEON ADJOURNMENT

[1.04pm]