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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 WEDNESDAY 24 JUNE, 2015

AT 1.34PM

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

THE COMMISSIONER: Good afternoon. Can we have Mr Abou Chacra back into the witness box please.

<SHADI ABOU CHACRA, on former oath

[1.34pm]

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

MR BRADY: Yes. Thank you, Commissioner. Mr Chacra, first, can I start with this, how do we spell your name and what is your last name?---Legally it's Shadi Abou Chacra.

All right. So it's Shadi as your first name?---Yeah.

And Abou Chacra as your last name?---Yeah.

20 How do we spell Abou Chacra?---A-b-o-u C-h-a-c-r-a.

Okay. Thank you very much. Now, you are on occasions just known as Mr Chacra though?---Yes.

Any difficulties me calling you Mr Chacra?---No.

Mr Chacra, you wanted to clarify some evidence that you gave yesterday as I understand?---Yes.

30 What is that?---The year of, of me receiving the qualification for completing my builder's course.

When was that?---In 2012.

In 2000 and?---'12 when I received the, the certificate.

All right. Until 2012 you hadn't completed your certificate as a builder?---No.

40 You completed your certificate as a builder in 2012. Did you then become a licensed builder?---That's when I registered the company as a building company, yes.

Until then you weren't licensed as a builder?---No.

Before you started doing work for the Department of Justice did you ever directly contract with a client to do work for a client?---Like what?

Well, you know that on occasions – well, not on occasions – I’ll withdraw that. You know that you used to subcontract for Jacobson’s for example?  
---Yes.

Jacobson’s would have a contract with the client directly wouldn’t they?  
---Yes.

They would then subcontract out work wouldn’t they?---Yes.

10 Did you ever prior to doing work for the Department directly contract with a client?---No.

You always subcontracted to someone else?---Yes, I think so.

Well, don’t think. Think about it carefully and let us know, did you ever directly contract with a client?---No, I don’t think so.

So you’ve always worked as a subcontractor?---Yes.

20 So the first time you directly contracted with a client was for the Department of Justice?---Yes, I think so.

After you finished doing your contract with the Department of Justice have you contracted directly with a client?---Well, prior to – let me just correct or clarify. Prior to me becoming a licensed builder I did do work direct with, for example, home owners so they were my clients.

Right. When you say direct with home owners, what sort of work was that?---The renovations or alterations. Whatever work it may be.

30 Did you contract directly with the client to do that?---Yes.

Right. What are some of the names of the people you directly contracted with?---I do not recall.

Just give us one?---I don’t remember.

You don’t remember a single person that you did a home renovation for?  
---No, not their name.

40 Well, just give us the address of one of the places you did a home renovation for?---I don’t remember the address.

THE COMMISSIONER: What about suburbs, can you give us the name of suburbs?---Carlton.

MR BRADY: Any others?---There was in the Sutherland area. I can't – I don't know if it was called Kingsway if that's a suburb or Kingsford. I'm not sure.

Kingsway or Kingsford?---It's in the Sutherland area.

All right. Where else?---I don't remember.

Well how many did you do?---I don't know.

10

Was it more than one?---Yes. I just gave you two.

Was it more than two?---Possibly.

Well, anything is possible. Did you do more than two?---I don't know.

Well, did you do more than 10?---Don't recall.

Did you do more than 50?

20

MR AYACHE: Commissioner, if he's answered I don't know more than two he's going to answer I don't know more than 10 and he's going to answer no more than a million so - - -

THE COMMISSIONER: Yes, he is. I can appreciate that. Go on, Mr Brady.

MR BRADY: So you're not able to say at all whether it was more than two that you did?---No.

30

You have a recollection of two?---Yes.

Does that mean having no recollection of anything more than two that in fact what you did was two?---No, it's just I've done a lot of work and I can't remember.

But when you say you've done a lot of work, you've done a lot of work as a subcontractor, right?---That's right, and I'm mixing them up so at the moment I cannot remember or recall how many I've done, whether they were direct with client or as subcontractors.

40

Well, when you did it directly with the client, no doubt you had a contract with the client, right?---Not necessarily, not a written contract.

Why?---Didn't believe I needed one.

Well, what sort of renovations were they?---House renovations.

What sort?---Renovating a house.

Did you need to knock down the house to put up another one?---No.

Did you need to knock through rooms to put in new rooms?---Possibly in some of them, not put new rooms, just alter the design of the, the internal design of the house.

10 THE COMMISSIONER: Did you ever alter the footprint of the house by way of doing an extension?---Not when I was ah, under Triton Construction, no, I don't believe I did, or I – not under my business, no.

MR BRADY: Did you ever arrange for a Development Application to be made when you were doing your own job?---No.

I assume from that when you were doing your own job you never did a heritage-listed building?---No, I don't think I did.

20 You don't think you did?---No.

Does that mean it's possible you did a heritage-listed building and have just forgotten about it?---Possibly, maybe.

Do you need a Development Application or a Development Approval to do renovations to a heritage-listed building?---Well, it depends on the extent of the renovation or if you have to – yeah, it depends. I'm not sure.

30 You're not sure what you would need in terms of a Development Application to do renovations to a heritage-listed building? Is that what you say?

MR AYACHE: Again, Commissioner, with the greatest respect to my friend and Counsel Assisting, it's such a general question.

THE COMMISSIONER: Well, I don't know about that.

MR AYACHE: There is exempt development, there's complying development, whether the - - -

40 THE COMMISSIONER: No, we're talking about, we're talking about renovations to a heritage-listed building.

MR AYACHE: Yes.

THE COMMISSIONER: I understood Counsel to be asking whether or not the witness knew that one needed to make a Development Application if one was making changes to a heritage-listed building.

MR AYACHE: Well, well, I don't think he used the word changes, he said do you need a Development Application to do work on a heritage-listed building. If it's exempt development, is it complying development, so there are – the question compounds a number of issues - - -

THE COMMISSIONER: Yes, all right. Well, I don't want to make it any more painful than it already is. Go on, Mr Brady.

10 MR BRADY: Yes, thank you, and I'll do it in this way in those circumstances. Have you ever made a Development Application to do work to a heritage-listed building?---No.

Since working and getting contracts from the Government have you ever had direct contracts with a client?---Sorry, can you ask that question again?

Yes. You did work for the Government in 2013. Right?---Yes.

20 When did that work stop?---I can't give you an exact date. It can be towards the end of 2013, early to mid-2014, I'm not sure.

Well, after that time have you done any work where you've had a direct contract with a client?---No, no.

You've only ever worked through as a subcontractor?---Yes.

So correct me if I'm wrong, basically your career has been, other than the Government, really subcontracting?---Yes.

30 During the time you were doing work for the Government were you doing other work?---Yes, I was.

Were you doing subcontracting work?---I believe I was, yes.

What do you mean you believe you were?---I, I think I was.

Again, I think I was. What does that mean? Were you doing other work other than for the Government in the time that you were working and doing contracts for the Government?---I believe I was, yes.

40 Who with?---The company I mentioned, one of the main companies was the one I mentioned yesterday, Jacobson Constructions.

All right. Well, just think very carefully. In 2013 did you do subcontracting work for Jacobson's?---I believe I did. I think I did, yes.

Did you do some 80-odd jobs subcontracting for Jacobson?

THE COMMISSIONER: Is this in 2013?

MR BRADY: In 2013?---Possibly.

Sorry, possibly? This is two years ago, right?---Yes.

You're only able to say possibly you did 80-odd jobs for Jacobson's. Is that right?---Yes.

10 Are you able to say you actually did subcontracting work for Jacobson's?  
---Yes.

Did you get paid by Jacobson's about \$144,000 during 2013?---I do not know the amount I got paid.

Well, did you get paid over \$100,000 by Jacobson for doing work for them in 2013?---I do not know how much the amount was.

No idea?---No idea.

20 Could have been \$2 for all you know. Is that what you say?---Yes

Is that what you say, it could have been \$2 for all you know?---Nothing costs \$2 so - - -

So are you able to give us a range that you might have got paid?---No.

30 THE COMMISSIONER: Mr Chacra, if you're undertaking a business as a builder, whether it's as a subcontractor or directly contracting with a client, you, you have to ensure, do you not, that your labour is costed out at a consistent rate, that the cost of your tools is covered, that the cost of your vehicle is covered insofar as you need to transport yourself from job to job, so there's a lot of expenses involved in running a business of that nature, isn't there?---Yes.

So, so your rate, the rate at which you hire your services out is costed according to all of those, those recurrent expenses, aren't they?---Yes, they are.

40 Right. And you have to make sure at the end of the year that you've actually made money on top of those recurrent expenses, don't you?  
---Yes.

So how do you know how much you made in 2013 from all of those jobs with Jacobson?---I don't work it out like that, I go from job to job basis, I get sent out purchase orders and I estimate what it's going to cost me per job and that's how I do it.

Yes, but you estimate what it's going to cost you per job and then you put on a profit margin, don't you?---No, I get sent out a purchase order with the price that's allowed for and I either accept the job or decline the job.

So for all you know you could have done all of those 80 jobs and you were paid less than what it actually cost you to provide the service. Is that what you're telling us?---I missed that.

10 Are you saying that someone would say to you, we want you to build this frame for a new room, here's the amount that we want you to do it for, and you would do the job for that amount, regardless of whether or not you were making any money out of it. Is that what you're saying?---No, it's not what I'm saying.

All right. Well, I'll go back to what I said in the beginning. When you hire out your services as a builder, you expect to make a profit, don't you?  
---Yes.

20 Well, how do you work out at the end of a given year what profit you've made from all of the jobs that you've had in the course of that year, how do you do it?---I don't.

Well, then I come back to my point. If you never work it out - - -?---I work it out from job to job on each purchase order.

30 Well, then if you can determine how much profit you've made on each job, at some point during the year you're able to add all those up and work out what you made over the course of the year, aren't you?---If I add it up, which I don't, I don't count the jobs I've completed and how much I've made off it, no.

Whether you do it physically yourself or you don't, you have to do that for taxation purposes, don't you?---My, yeah, my accountant does that.

Well, then your accountant would tell you whether or not you owed tax or whether or not you were going to get anything back by way of a rebate, wouldn't he?---Yes.

40 Well, inherent in that is telling you what amount of money you made in the course of that financial year?---That's right, but I only usually look at what I have to pay and I give him and I pay that.

Well, you might just look at what you have to pay, but he has to tell you front up how much money you made in that year, doesn't he?---Oh, possibly, yes. I don't know.



THE COMMISSIONER: So you have absolutely no interest whatsoever in working out what your income is in a given year?---No. Well, I do, I should of but I haven't been doing that.

So by the time you pay your mortgage and your rates and everything else you could in fact be bankrupt for all you know?---Yeah, I don't know what I'm left with, I don't work it out like that.

Go on, Mr Brady.

10

MR BRADY: Did you take that same approach to project managing projects for the Department?---What approach?

THE COMMISSIONER: The one you've just outlined where you don't know whether you're bankrupt or not.

MR BRADY: Did you?

20

THE COMMISSIONER: They were your works, Mr Chacra?---I, I understand but ah, well, you need to – ask me the question again.

MR BRADY: Yes. Did you take that same approach to when you were project managing projects for the Government?---Well, yeah, I think I did.

MR AYACHE: Commissioner, the question was did you take the same approach, the approach wasn't clarified.

30

THE COMMISSIONER: Well, do you want me to spell it out? I'm happy to spell it out.

MR AYACHE: Commissioner, if you would just hear me, I'm not trying to be obstructive.

40

THE COMMISSIONER: No, well, we don't have time for this really, we really don't. We have to move this along and what I'm trying to establish is a very, very basic proposition. Mr Chacra apparently runs a business without having any idea whether or not he's actually making a profit from one year to the next and we have to proceed on the basis that he conducted works for the Department in 2013 not caring on his own evidence whether or not he was making any profit, that's the proposition that's being put to him.

MR AYACHE: And you're saying we have to proceed on that basis?

THE COMMISSIONER: Yes, we do.

MR AYACHE: And why is that?

THE COMMISSIONER: Well, you'll find out one day I suspect when we finish this evidence because there'll be submissions based on your client's testimony.

MR AYACHE: Ultimately there will be but the testimony is given when he was asked about the work he did for Jacobsons was that he was given an opportunity to do the work at a particular price and he would then apply a calculation in order to determine whether there was a profit margin in that work. He was then asked whether he used the same procedure in relation to  
10 the work relevant to the Government body.

THE COMMISSIONER: No, that wasn't what he was asked. That was not what he was asked. The transcript will speak for itself.

MR AYACHE: Yes.

THE COMMISSIONER: You'll have an opportunity to re-examine if you think you can improve on the evidence. Go on, Mr Brady.

20 MR BRADY: Thank you.

So the first time you got a contract from the Department of Justice was the first time you were involved in a direct contract with a client other than doing a house renovation?---Yeah, yes.

Other than knocking down a wall and putting up a handrail for Blacktown Court was the first contract you got with the Government to project manage the Camden and Picton Courthouse upgrades?---I don't know if it was the first project I was given.  
30

All right. You at least got that as a project, right?---Yes.

How did you get that?---I, I don't know exactly, it was probably an invitation through an email, I don't remember.

See, up until that stage you'd basically just been a subcontractor, right?  
---I'm not sure if it was the first project or not, I don't know.

Well, apart from the Blacktown Courthouse the first project you then got  
40 from the Government whether it was Camden, Picton or another one was basically the first project you got other than being really a subcontractor, right?---Yes.

And you don't remember how you got that job?---No.

So you got a job as a project manager for the Camden Picton Courthouse upgrade didn't you?---Yes.

The construction for that courthouse upgrade was worth hundreds of thousands wasn't it?---I don't remember the value no, I'm not sure.

That job you got with Camden and Picton, if I suggest to you it's the first job you got with the Government other than doing the Blacktown Courthouse, would you accept that?---Sorry, what was that?

10 The job you did for Camden and Picton was the first job you got for the Government department other than doing the wall and the handrail at Blacktown Courthouse, would you accept that?---No, I don't know if it was the first job I got after that, after Blacktown.

Well was the first job you got for Triton Group other than doing the Blacktown Courthouse a project management job?---I don't know if it was it. If it was the first.

Surely when you got a big contract from the Government that would be something that would stick in your mind?---Obviously not.

20 You're a man who'd basically just been subcontracting up to then. Right?--  
-Yes.

You suddenly a big job from the Government directly. That didn't stick in your mind?---Not at this point, no. I can remember.

In any event you got a job as a project manager for the Camden Picton Courthouse upgrade, didn't you?---Yes.

30 That's the first time you'd got a job as a project manager, isn't it?---Yes.

And it's definitely the first time you got a job as a project manager from a contract directly with the client. That's right isn't it?---Yes.

How did you get that job?---I've already answered. I don't remember how I got it.

It wasn't because you knew Anthony Andjic that you got the job, was it?---I don't recall.

40 Did you know at the time that you got the job for the Department of Justice that Fatima Hammoud was working at the Department of Justice?---Sorry, what was the question?

Did you know when you got that job for the Department of Justice that Fatima Hammoud was working at the Department of Justice?---Which job?

THE COMMISSIONER: The first one that we're talking about, the project management job?---But I've said – the first – ah, I don't know at that time. I can't remember the dates.

MR BRADY: When did you learn that Fatima Hammoud was working at the Department of Justice?---I knew she worked for the Government when she got the job. I didn't know it was the Department of – I knew it was the Department of Attorney General's that's when I learnt of the Department of Attorney General's. But, um, working for – that was, yeah.

10

THE COMMISSIONER: Did you, sorry did you say you knew that she was working at the Department of Attorney General's when she got the job?---When she – I know she was working for – that's when I learnt of the Department of Attorney General's when she did get the job, yes.

When she got the job?---Yes.

And how do you find out about that?---Through Fatima that she got the job.

20 Fatima told you that?---Yeah.

And Fatima told you that it was a job with the Department of Attorney General's and Justice?---Yes.

MR BRADY: What circumstances did she tell you that?---I don't remember.

Just chatting?---I don't remember, yes. It would've been just chatting.

30 Did you ask her any questions about what she did?---Ah, I don't recall.

Who else was with you when she was talking about the fact that she got a job with the Department of Attorney General and Justice?---I don't know. I can't remember where we were. I can't remember the time.

All right. Fay Rouze with you?---I don't recall.

40 All right. What I'm going to do if I can is just take you to a document 839 and down to the bottom of that page. See that's an email to tritoncon@live.com.au?---Yes.

That's you?---Yes.

Subject Picton and Camden project management services. See that?---Yes.

Dated 19 February, 2013. Right?---Yeah.

From Anthony Andjic?---Yes.

How did he get your email address, do you know?---No. I can't remember.

All right. We might just go up a little bit if we can. Do you see there it says we're undertaking some redevelopment works at Camden Picton Courthouse. Require the services of project manager to provide principle representative services. Do you see that?---Yes.

10 It goes on to ask you basically, sorry. If we go down indicates there is attached is a project plan for works that forms the basis of the agreement and for your information. Can you please provide a fee proposal. Do you see that?---Yes.

Now, this is the first time you've ever been given a contract as a project manager, right?---Yes.

This is for a heritage listed building?---Yes.

20 In fact, for two heritage listed buildings?---Yes.

Overseeing another construction company, right?---Yes.

First time you've ever done that?---Yes.

In fact, other than doing a couple of house renovations the first time you've directly contracted with a client at all, right?---Yes.

30 How did you go about preparing the fee proposal?---Based on the information that was sent to me.

How?---I'm just going to say attached is what - - -

THE COMMISSIONER: I'm sorry, I didn't hear that?---I'm just trying to remember if we – the fee proposal I think we, we did a site meeting with Anthony, myself and Kerrie Kent from memory, I can't be sure, and we went through the works and that's how the – well, I scoped it out and that's how the fee proposal was put forward to the Department.

40 MR BRADY: All right. So you needed to do a site meeting before you were in a position to do a fee proposal?---Yeah, I think it does, correct.

That would make a lot of sense wouldn't it, you'd need to see what the scope of the works were going to be, right?---Yes.

So when did you do the site meeting in order to get together a fee proposal for that one?---I do not remember.

Not on the very day that you got the email from Mr Andjic no doubt?---I don't remember.

Do you see above that there's an email back from you to Anthony isn't there?---Yeah.

Do you see that?---Yes.

"I'd like to thank you for the opportunity", right?---Yes.

10

And then asking for certain things. Do you see that?---Yes.

And that's dated 20 February, 2013. Do you see that?---Yeah.

Clearly you haven't done a site meeting in between 19 February and 20 February have you?---Probably not.

Can I then take you over if I can to page 850. Now, just up to the top. That's your letterhead isn't it?---Yes.

20

Mr Anthony Andjic. See that?---Yes.

Do you see that?---Yeah.

Dated 19 February, 2013. Do you see that?---Yes.

What is that, what is that document? Do you want to read it all to work out what it is?---Yeah, keep going down please. Yeah. It's a fee proposal.

30

It's a fee proposal for being project manager of the Camden/Picton Courthouse, right?---Yes.

Can I go down to the bottom. You've come up with a lump sum haven't you?---Yes.

How have you managed to do that on 19 February, 2013?---I wasn't sure if -- I can't remember.

40

You see, you're not even asking for things back until 20 February, 2013 are you?---I don't recall what, what happened back then. I - - -

THE COMMISSIONER: Well, can you just concentrate on the documents because it's in the documents. Whether you can remember or not you have to look at what's on the screen?---There may be documents that are missing that I, that I don't recall that helped me get to that figure. There must have been some sort of a scope somewhere along the lines for me to come up with a price.

And where would that be?---I have no idea. Should be – you’ve got - - -

Well, it would be your document, wouldn’t it?---Yeah, but you’ve got all the documents.

Who says?---You’re bringing them up, I’m not sure.

Well, you just said that you may have had a lot of other information from which you could put together the quotation?---Yeah.

10

Well, they’d be your documents, wouldn’t they?---Well, not if they were provided from the Department of Attorney-General’s. I can’t remember how – I don’t recall.

MR BRADY: How are you doing that on 19 February, 2013, without having gone to a site meeting?---Like I said, I could have received a scope, I’m not sure.

20

You see, earlier when I was asking you about what you would need to do in order to get a fee proposal together, one of the things you said was have a site meeting, right?---That’s one of, yeah, one, one option.

How are you working out how much this is going to cost you without doing that?---If I was sent a scope.

And this is the first time no doubt you’ve ever done a fee proposal for project management work. Right?---Yes.

30

And you’ve managed to do it on the same day that you’re actually requested for it. Do you see that?---Yes.

Well, how did you get to a figure that quickly?---I can’t remember what happened that day, I can’t remember.

Did you actually write that?---Yes, I would have written it.

Not would have, did you write it?---Yes.

40

No doubt about that?---Yeah.

It wasn’t written by someone else?---No.

What’s the current legislative standards of AS1428 Part 2?---I have to look that up.

See this on page 850? One of the things you’re going to do is oversee principal representative the works that are being undertaken by the head contractor to ensure they comply with the relevant standards and in

accordance with current legislative standards including AS1428 Part 2.  
What's that?---Need to look at the BCA.

THE COMMISSIONER: What does BCA stand for?---Building Codes of Australia.

And what does the – what is the AS1428 Part 2, what's the nature of that instrument?---I, I can't remember, I have to look it up.

10 You don't know what AS1428 is?---No. I know AS stands for Australian Standards but I don't know what 1428 represents.

MR BRADY: See, what was one of the things about Camden and Picton Courthouses is it needed disability access upgrades, didn't it?---Yes.

Well, is AS1428 actually dealing with the disability access upgrades?  
---I can't tell you.

20 Well, see you're writing this fee proposal, aren't you?---Yes.

Yes?---Yes.

Surely you're turning your mind to what's required to project manage this.  
Would that be right?---Sorry, what was - - -

You turned your mind to what was required to project manage this?---Yes.

30 No doubt turning your mind to what legislative standards needed to be complied with?---Mmm.

Right?---Yes.

Back then did you even have any idea what AS1428 meant?---Yeah, I would have.

Mr Chacra, do you seriously say that you wrote this?---Yes.

40 Did you get some help in writing it?---Yeah, I've got templates and stuff to help me, yes.

Where did you get the templates from?---Collecting them over the years.

Sorry?---Just collecting them and putting them together over the years of working.

Sorry, collecting templates for, to help you with this?---With wording this, yes.



What, from other people who had done project management work?---Just other building companies in general.

Did you just copy some of it out?---What do you mean did I - - -

Well, the templates that you were using, did you just copy some of it out?  
---I used it as a template.

10 THE COMMISSIONER: But did you understand it, did you know what it meant?---Yeah.

What does RFI mean, budget tracking including provision of RFI?  
---What?

What does that stand for?---I don't remember.

Well, it's not a question of remembering, you either know what it stands for  
- - -?---Oh, I don't know, I don't know.

20 You don't know?---No.

So you used that terminology without knowing what it meant?---Well, I don't remember it now, yeah, yes.

It just means this doesn't it, Request For Information, that's what it means doesn't it?---Could.

Sorry, could?---Yes.

30 You wrote this, right?---Yes.

Surely you would know whether it meant request for information or not, does it doesn't it?---Does it doesn't it what?

Well, does it stand for request for information?---In this case yes, that makes sense.

And that's the best you can do that it seems to make sense in this case?  
---Yes.

40

Well, what sort of request for information?---Well, provisions, variations, budget tracking, I, I don't know, I can't remember.

Were you just reading it from there where it says "provision of information and budget tracking"?---Yes.

Well, does request for information include for example request for proposals?---Oh, I don't know.

Request for tenders?---I'm not sure.

Request for quotations, is that what it means?---I don't know.

All right. So you obviously got the job on the back of this fee proposal, right?---(No Audible Reply)

Is that right?---Yes.

10

You didn't have to put in a tender?---Not from memory, no.

You just told them how much you were going to charge and they said yes?  
---There was no tender put in, yes.

Did Mr Andjic come back and question how you came to the conclusion it was going to be \$42,950?---No, I don't recall having a conversation about the value.

20

At that time in the fee proposal, just go to the next page 851 if you would, you put there S Chacra director in charge, \$220 as an hourly rate, do you see that?---Yes.

And underneath that you put project manager, \$180 at an hourly rate, do you see that?---Yeah.

Who was that?---At the time no one.

Sorry?---At the time there wasn't anyone there.

30

Did you have someone in mind?---Yes, I did, I had a lot of things in mind.

You had a lot of things in mind, did you actually have someone in mind to be the project manager?---No one specific.

THE COMMISSIONER: Well, it had to be someone who had skills in project management didn't it?---Yes.

40

MR BRADY: Because you wouldn't put someone down as a project manager unless they actually had skills in project management, that would be fair to say wouldn't it?---That would be fair to say, yes.

You definitely wouldn't call someone a senior project manager unless they had experience and qualification in project management would you?---No.

You agree with that proposition that you would not do that?---Yes.

So after doing this, getting the job, what did you do from there?---What do you mean?

On this job, what did you do?---I don't remember what I did.

Well, did you have to be involved in the tender process?---Yes, I remember that.

10 What did you do?---I can't recall exactly what I did but I know I went to a, a tender select meeting I think it's called.

A tender select meeting?---Yeah, or tender select, I'm not sure what it's called, where you choose the successful builder, tenderer.

Right. Is that the first time you'd been involved in that?---In the selection process?

Yes?---Yes.

20 Sorry?---Yes.

In fact is that the first time you'd been involved in any tender process? ---I don't – sorry, what was the – the first time I was involved in any tender process?

Yeah, any tender process?---I don't know if it was the first time or not.

30 Well, had you been involved in a tender process before then?---Do you mean by tendering for a job, is that - - -

Or being part of a selection committee, either?---Well, I've never been part of a selection committee, no.

Have you ever tendered for a job?---Before this?

Yes?---I don't remember.

40 Well, for Jacobson's were you involved with tendering process for their contracts?---I was involved in selecting the suitable contractor, yes.

Sorry, involved in selecting a suitable contractor?---For the works.

So what, as part of Jacobson subcontracting you were involved in the selection of a subcontractor?---Well, I, I explained that yesterday that I was, I was employed by him as well so I'd sometimes subcontract as a contractor out on – doing physical work and then other times in the office as a building supervisor or project manager.

When was that that you were doing that role?---I did – I can't – the last time I was, I was in the office this year working for him as a supervisor at a job site. It's been on and off for a few – a number of years.

Before 2013 when did you do that role?---Before 2013?

Yes?---It was early – oh, it was before 2013 I was employed by him.

10 When were you employed by him - - -?---I don't know.

- - - before 2013?---I can't remember the exact date.

Don't worry about the exact date just give us a rough figure?---I can't remember. It was - - -

So who got the job doing the contracting work – sorry, doing the construction work for Camden and Picton Courthouses?---I can't recall the company's name.

20 THE COMMISSIONER: You were project managing them though?---Yes.

And you can't remember their name?---No, not any more.

MR BRADY: How long did the job go over?---I can't, I can't remember.

It went over months didn't it?---It would have went over months probably, yes.

30 Well, in those months no doubt you were then dealing with that construction company regularly weren't you?---Enough. I don't remember.

And you don't remember the name of the construction company you were project managing for the Camden and Picton Courthouse upgrades?---No.

THE COMMISSIONER: Who was it that you dealt with at the company, give us a name?---I can't remember names.

40 Didn't you have a, didn't you have a point of contact at the company?---I would have had at the time they were working doing the repairs, yes, but I can't remember it.

So you don't know who it was that you spoke to - - -?---No, I - - -

- - - in early 2013 about this project?---No.

MR BRADY: The project was still going in about August, 2013 wasn't it? ---I'm not sure.

I mean this project went over somewhere in the vicinity of three or four months didn't it?---I said I cannot remember.

Is the reason why you can't remember the name of the company that did this construction work because you really took no role in project managing this?---No.

10 Well, how often were you speaking with a representative from the company?---I can't remember. I don't know. Whenever I needed to talk to him I'd talk to him.

And you have no idea how often that was?---No.

THE COMMISSIONER: Well, can we put some kind of framework on it. Did you, did you – as part of your project management duties did you make regular site visits to ensure that the work had been done?---I have done site visits, yes, but I don't, I can't recall how many times I spoke to the guy, I can't recall how many times I visited Camden and Picton and - - -

20 Stop right there. I didn't ask you that. I'm just trying to go step by step. Did you have regular site meetings to ensure that the work had been done? ---I had site meetings, yes. I don't - - -

All right. Put a number on it, how many did you have?---I can't. I don't remember.

Well, was it more than one?---Yes, it was.

30 More than two?---I don't know. I can't remember an amount of times I went. I can't remember.

Well, if – assume from us for present purposes that the project went for some four months. What was the likely number of visits that you had over that four month period?---Over the four months.

Yes?---Four times.

So once a month?---I'm just guessing.

40 You're just guessing?---Yes.

So you didn't have any regular schedule of site visits you just - - -?---Show up when I thought - - -

When you felt like it?---Yeah. There was no – I can't remember. I don't recall having any documentation or scheduling times. I don't remember.

Well you didn't, you didn't I take it find any fault or any problem with the work that had been done when you visited and looked at what had, what had been carried out? You didn't have any problems did you site managing this building company?---?---There may have been an issue I just can't recall what it – I can't recall.

So you don't know whether there are any issues and you don't know who it was you spoke to and you don't know how many times you went there?---  
Yes.

10

MR BRADY: Did Mr Andjic help you with the project management in this?---What do you mean by help me with the project management?

Well did he help you? You have no idea what I mean by help?---Well I met with Mr Andjic and Kerry Kent at, at the courts and we discussed what needed to be done and the best approach to take it so, yeah, he did help in that sense.

20

And what about then over the period of time that the company whose name you can't recall was doing the work? Was he helping with the project management then?---No. But he'd help with decision making and stuff like that, yes.

Did he make the decisions?---I don't know if ultimately he decided or I can't remember.

How much did you get paid for project managing this?---In total was, I think 42,950.

30

And you're doing that just on the basis of what's in the fee proposal in front you?---Yes.

You have no independent recollection today of how much you actually got paid for this?---No. I do not remember.

Well can we just work what it is that you did while project managing. You're were involved in the Tender Evaluation Committee. Does that name ring a bell?---Yes.

40

That's what you were involved in. What else did you do for your money?---  
Manage the project.

By doing what?---What we discussed, site visits, ah, if there were any issues resolving the issues, ah, which I don't recall. I can't remember if there were or wasn't. No.

So you knew you were going to come along and give some evidence, didn't you?---Yes.

You knew you were going to be asked questions about what you did?---Yes.

So no doubt you went back through your records to find out what it was that you did?---No. Because we already established I don't have any records. All the records I have I gave to the investigators when they came to my house.

10 Right. All the records you had you gave to the investigators. Right. So we've got everything that you had?---Everything that I could possibly get, yes.

Did you sit down and think to yourself, now what did I do for each of these projects?---Yes. I still tried to.

And having done - - -?---Yes. And I can't remember.

20 THE COMMISSIONER: Did you keep a diary so that you knew where you needed to be at various times of the day for the purposes of this project management?---No.

MR BRADY: Did you keep a note of how long you spent on things?--- Well I would've kept a diary at the time and I would've had notes, yes. But I don't have that now. I can't reflect and I can't go back and get it or read it.

Why not?---Because I don't have it.

Where is it?---I don't know, gone.

30 Sorry, what do you mean, gone?---I would've -- I don't have in my possession any more.

I understand you don't have it in your possession any more you've said that. What happened to it?---I would've thrown it out or left it behind in my previous house. I don't remember where it is.

Sorry. You would've thrown it out?---Yes.

40 The record of the amount of hours you spent doing work for a Government Department you threw out?---The diary or whatever I needed to do, yeah. I don't have it.

In that diary do you say that you'd kept a note of how many hours you spent on the jobs?---That's what I said. I would've had something along those lines, yes.

And you threw it?---I can't remember what I did with it.

It's a fairly important thing if that actually reflects the number of hours you've spent working on a Government project, doesn't it?---Not once I've -- once I've worked out the figure and invoiced, no, it wasn't important any more to me.

10 THE COMMISSIONER: How long did you take you to drive to Camden and Picton at the time that you were undertaking this project manager?--- Ah, well they're two separate areas. If I was to go from one past the other two, like drive past one courthouse to the other non-stop, um, I'd say anywhere from an hour to an hour and a half. I'm not sure.

What, from Camden to Picton?---No, from where I was living to, from, from where I was living to Camden then to Picton or the other way around, whatever it was, one way between an hour, an hour and a half.

So you had to cost out your time in relation to your travel as well didn't you?---Yeah.

20 MR BRADY: All right. So, sorry, we were talking about what it was you did for your money, you were involved in the Tender Evaluation Committee, you did some site visits and I think you said just general management, what else did you do?---I can't remember anything else at the moment. That pretty much - - -

30 THE COMMISSIONER: Forget about what you can remember for present purposes if you were undertaking this as a project manager what would you do as a project manager? Can you tell us now, describe the duties you would carry out as a project manager?---Well, the duties would be obviously time, cost and quality.

Well, yes, but what did you do, what was your day to day activity when you were project managing or assuming that - - -?---Well, I can't remember my day to day but that's what the role of a project manager is.

Sorry, say that again, what is it?---I, I said I can't remember the - - -

40 No, no, what you said before, time, what was it?---Yeah, the time, time, completion time, I'll start to completion time that everything's getting done, cost, make sure it maintains budget and quality of the work.

So what's involved in ensuring that those three criteria are met?---Just from the top of my head, yes, that's it.

So you have to ensure that the builder is actually undertaking the renovations on time in a timely manner?---Yes.

And according to budget and that the work is of a sufficient quality? ---That's correct.



You couldn't determine any of those three things at all unless you made regular visits to the site could you?---But I did do visits.

Well, just answer my question. You couldn't ensure that any of those three criteria were met unless you did regular visits to the site?---Unless you did site visits, that's correct.

Right. And you can't remember how many you did?---No.

10

MR BRADY: All right. What else did you do? Did you do anything else other than what you've raised there?---I've repeated myself, no, I can't remember anything else.

Did you do the tender evaluation report?---Can I see it?

Well, just – do you remember whether you did the tender evaluation report in relation to - - -?---I was the project manager, I would have had to do a tender evaluation report.

20

Do you remember doing it?---Oh, not really – vaguely, no.

THE COMMISSIONER: Do you know what a tender evaluation report is? ---A tender, is it a report evaluating all the tenders?

Is that a question or are you saying that's what it is?---That's, that's what my answer is, yes, from the top of my head.

MR BRADY: Well, did you do it in this case?---Yes, I would have had to do it.

30

No doubt bearing in mind you don't remember the company that you were actually project managing you don't remember any of the companies involved in the tender?---No.

Before this had you ever done a tender evaluation report?---No, no.

So how did you go about doing it?---I don't remember.

40 What are the criteria that you used to evaluate a tender?---The criteria required from memory was in the pretender, in the meeting, in the tender selection meeting I think the criteria was there and I, I, don't remember.

THE COMMISSIONER: Yes, but we want to know what the criteria were?---I can't remember what the criteria was, I can't remember most of the things.

Well, whether or not you remember you did this tender evaluation report, you've told us that?---Yes.

Okay. And you've told us you know what a tender evaluation report is?  
---Yes.

Okay. Tell us how you go about doing a tender evaluation, give us a description. What is it that you're looking for and how is it that you select the successful tenderer?---Like, is it Mr Brady that just said, whatever,  
10 whatever the - - -

No, I'm not interested in what Mr Brady says, I want you to describe the process, just tell us what you do?---Compare the tenders to the criteria, whichever one scores the highest wins, wins the job.

How do you score them?---According to the criteria which I don't remember.

MR BRADY: Do you have any idea what the criteria was?---No.  
20

Was the criteria split up into various – was the criteria split up in any way?  
---It would have been split up.

How?---I don't remember.

Was it split into two major groups?---Don't remember how many groups there were. I just – oh well, from what you said yesterday priced and non-priced.

30 THE COMMISSIONER: So you're going off the evidence that was given yesterday?---Well, I can't remember. I keep saying this but you keep asking me the same questions so I don't know what else to say.

You don't really know anything about how you undertake a tender evaluation report do you?---No, I – I would of, yes.

Well, why is it that you can't describe the process - - -?---Because I've forgotten it.

40 - - - without referring to the evidence that was given yesterday?---Because I've forgotten everything to do with the job, most, all the jobs.

We're not asking you about the jobs. We're asking you to describe - - -?  
---Yeah, it's the same - - -

- - - a process that you would undertake if you were asked to do a tender evaluation report?---Yeah, and I can't remember the process.

Is that the same as you don't know the process?---No, it's just I would have known.

I beg your pardon?---No, it's not the same.

It's not the same?---No.

MR BRADY: Did you do the tender evaluation report?---Yes, I did.

10 Was that written - - -?---I would have had to.

Was it written for you?---No, I would have written the report.

Again, and it might simply be the way you're using language. Once again you said "I would have". Did you or didn't you?---I've -- like I said, I can't remember. I don't remember the report.

All right. Well, let me show it to you. 902. Does that help you remember?  
---That's mine.

20

But does it help you remember whether you did it?---I don't remember this exact report but it's my logo and it's stuff I did on my computer.

Did you get any assistance in writing that report?---I can't remember if I asked anyone for advice.

Did you ask, for example, for a precedent report?---I can't remember.

Well, this is the first one you've ever written, right?---Yes.

30

Did you ask anyone how do I go about doing it?---I don't recall.

What's a Tender Opening Committee?---I'm not sure. A committee that opens a tender.

What do they do?---I'm not sure. Open up a, well, open up the tender and invite builders to, to start tendering for the job I think.

40

Open up the tender and invite builders to tender for the job?---Yes.

That's your recollection of what a Tender Opening Committee does?---I think so, yeah.

Because in the report at page 906 you referred five lines down to the Tender Opening Committee. Do you see that?---Yeah.

You see, the Tender Opening Committee actually opens and records the tender prices don't they?---Well, according to this yes. I was mistaken.

Again I ask you did you actually write this?---Yes.

Do you see there that in fact it was Patterson Building Group?---That, that rings a bell.

Right. That as the building company that you were project managing for some four months?---I don't know how long the process was for.

10 All right. But now that rings a bell, oh, that's right, they were the people I was project managing for the Camden and Picton Courthouse?---No. The, the name rings a bell. I can't remember who was the winning contractor.

But even - - -

THE COMMISSIONER: So the name rings a bell but you still can't remember who it was that - - -?---Yeah, no.

- - - you were actually project managing?---No.

20

Because not only did you project manage this construction company for some four months you were actually involved in the evaluation of their tender, right?---Yes.

MR BRADY: Then did the tender evaluation report about this company, right?---Ah hmm.

No doubt making inquiries about them?---I don't, I went off the tenders that was submitted.

30

Did you make any other inquiries about them?---Not that I can recall.

Did you follow up any of their references for example?---Not that I can recall.

Any of the jobs that they'd done?---No, can't remember.

40 In any event, so you're involved with the tender evaluation process of this company and then dealt with this company over a period of some four months on your evidence, right?---Sorry, what was that?

You were involved in the tender evaluation of this company and then dealt with this company for a period of over, bearing in mind that we're saying it went for about four months - - -?---Yeah.

- - - four months, right?---That's correct.

And all that happens when you see the words Patterson is that it rings a bell?

---Yeah.

What's the word holistically mean?---Don't know, need to look it up in a dictionary.

Can I take you to page 908. So these are two of the companies that were involved, can I go down, do you see in the second dot point there, "the submission outlined holistically the experience of the organisation and the team"?---Yeah.

10

It's not a word you would use is it?---No, not on a day to day basis.

How did it find its way into your tender evaluation report?---I can't remember exactly how but it would have been in one of the templates, I would have looked it up, I can't remember.

Did you write it, Mr Chacra?---Yes, for the millionth time.

20

What's an MW21 contract?---I do not know.

Sorry?---I don't know.

You see, in the fourth point there it says "Detailed the organisation's experience in MW21 contracts." What did that mean?---I can't recall.

THE COMMISSIONER: If you don't know what an MW21 contract is how would you be able to determine whether or not the organisation was experienced in it?---Maybe at the time I did know, I just can't remember.

30

So it's something that you knew but you now don't know?---Possibly, yes.

What do you mean possibly?---Yes, it would have been, I'm not sure if I saw it written on something that I was – I can't remember.

Sorry, now you're saying you're not sure if you saw – that this phrase "organisation's experience in MW21 contracts" was something that you saw written somewhere else, is that what you're saying?---Yeah, in the tender or – I can't remember whether they said like that - - -

40

No, but you said you wrote this report?---Yes, but what I'm saying is I would have, that might have been in their tender and I'm copying their tender, I can't remember.

And does that also apply to the term "the submission outlined holistically the experience of the organisation"?---I can't remember.

You don't know where that phrase came from?---No, I cannot recall.

You don't know what means?---No.

So why would you put it in the report if you don't know what it means?  
---It would have made sense at the time, I can't recall.

Are you asking us to accept that at the time you wrote that phrase you understood what it meant but now you don't understand what it means, is that what you're asking us to accept?---Yeah, yes.

10 That's just rubbish isn't it?---Why?

No, you answer my question, it's rubbish isn't it?---No, it's not, no.

Oh, all right. Go on, Mr Brady.

MR BRADY: I'm just going to take you if I can to some of the invoices that you sent for this particular project, 1011. Now you see that's an invoice from Triton Group?---Yeah, I can't see the - - -

20 All right. We'll just go back up and - - -?---Yeah, yeah.

- - - make sure that you're happy?---Yeah.

All right. So an invoice from Triton Group?---Yes.

To Kerrie Kent, right?---Ah hmm.

And that's for the sum of \$690 excluding GST, do you see that?---No.

30 Sorry?---No, I don't. The sum of \$690?

Excluding GST?---1,690.

What did I say? Ah, did I, 1,690 I'm sorry, my mistake, \$1,690 excluding GST?---Yeah.

Preparation of risk register, did you do that?---Ah, I don't know if I personally did it but I would've had it done and sent off to them, yes.

40 Well when you say you don't know if you personally did it, this is the first time you project managed something. Right?---Yes.

Surely you'd remember whether you actually did the risk register for a project, it was the first one that you'd ever project managed?---(No Audible Reply).

You don't?---No.

Who would've done it if you didn't do it?---My wife might've assisted me with it. I can't remember.

Sorry?---My wife, maybe. I just don't recall.

Was your wife doing work for Triton as well, was she?---Not that I can remember. I don't -- I can't remember.

10 Well see, the thing about that is the preparation of the risk register, do you see what the rate is?---It's \$180.

180, yeah. In your fee proposal what were you charging yourself out at?---I can't remember what it was written.

You were charging yourself out at 220, weren't you?---Yeah.

Who were you charging out at 180?---Maybe I made a mistake. I don't know, I can't remember.

20 Because in your fee proposal you were charging out a project manager at 180, weren't you?---If that's what it said.

Does that mean that you got a project manager to do the risk register?---I don't remember.

And the project manager may have been your wife?---No. The project manager wasn't my wife. I was looking after the job. She might've helped me get the risk register together but I don't remember.

30 Okay. Well the project management services relating to document reviews what did that entail?---What it says, reviewing documents.

What documents?---I can't remember, the tenders and whatever was put forward to me at the time.

Reviewing the tenders?---I'm not sure.

You don't know one way - - -?---Exactly.

40 - - - or the other?---No. I can't remember what it was.

An incidental relating to preparation of works, what's that?---I can't remember exactly what it was.

Anyway you obviously got paid this?---I believe I did.

And then go over to 1013. It says the second invoice from you, Triton Group. Right?---Yeah.

Dated 2 April, 2013. Do you see that?---Yes.

Basically three weeks after 12 March, 2013?---Yeah.

Do you see that?---Yeah.

You've got a site visit there for eight hours?---Yeah.

10 It's obviously going down to Camden and Picton. Right?---Yes.

Then you've got associated contract work for 32 hours. What was that?---I don't remember what it was for.

See that's effectively four whole days, isn't it?---32 hours, yes. Yeah. I know.

You don't remember what you spent four days on in relation to this first job that you project managed?---No.

20

Meeting minutes, five hours. Then a PCG report. What's a PCG report?---I don't not remember.

THE COMMISSIONER: I beg your pardon?---I don't remember.

MR BRADY: Sorry, no but what is a PCG report?---I don't know. I can't remember it.

30 THE COMMISSIONER: No. There's a difference Mr Chacra, you have to, you have to, you have to choose one because there's a difference. If you say you don't know something it means that you actually have no knowledge of that fact. If you say I don't remember it assumes that at some point you had knowledge of that fact but you've since forgotten. The two are quite different. So which is it?---I think I would've known what it was at the time. I don't - - -

40 So this is another example of something that you would've known at the time but you now no longer know?---Yes. But I don't understand why I get questioned on every single item on the scope if there was a, a fee proposal put in place and then that was - that got approved?

MR BRADY: Well, can we just do this then. You spent supposedly 30 hours on this PCG report, right?---Yeah.

Again, the best part of four days, right?---Yes.

You got paid for four days' worth of work to do this PCG report. Do you see that?---Yeah.



And after spending four days doing this PCG report you now can't even remember what a PCG report is. Is that what you say?---Right.

No idea what a PCG report is?---No, I do not remember. I've spent weeks at jobs that I've done previously that I couldn't recall now and give you addresses. I do not remember.

10 THE COMMISSIONER: We're not asking for addresses, we're not asking  
- - -?---Yeah, but you were previously.

Look, Mr Chacra, please, don't make it worse than it is. It's a very simple proposition?---And I keep - - -

You either know what a PCG report is or you don't know what a PCG report is?---But I told you I don't remember and I've, I've answered it a few times.

20 And what we're saying is how is it that you say you wrote this report and  
you don't know what a PCG report is after having spent four days doing it,  
that is the question?---Because - - -

Can you explain it?---It was in 2013.

So what's that got to do with anything?---It's two years later.

So what's that got to do with anything?---I've forgotten it if I did. I can't remember what it was.

30 Do you have some memory problem generally, do you have some - - -?  
---Yes, I do.

- - - disability that we don't know about?---It's not a medical proven disability but I've got a terrible memory.

You've got a terrible memory?---A very bad memory, yes.

40 And I take it that because you have such a bad memory you would often  
have to make written notes of things so that you were able to remember how  
you spent your time in relation to any particular job?---I don't find that  
necessary, no.

So you've got a terrible memory but you don't find it necessary to make notes?---Yes.

How was it that you constructed this report, how was it that you worked out what you did, when you did it and how many hours you'd spent on all of

these items that appear in this report?---Well, from the, from the fee proposal.

No, no, no. No, no. You see, you've got eight site visits on that schedule. You see that?---Yes.

10 You've got 32 hours of associated contract work. You've got five occasions on which the – or five hours over which the minutes of the meeting were written up. You've got 30 hours that you spent on a PCG report, et cetera, et cetera. How was it that you kept track of all of those hours of work across all of those items?---Like I said before, I would have been taking notes at the time which I no longer have.

Oh, so you did take notes of all of these things?---When I was doing the – yes, I would have been taking notes and writing everything down.

No, no, no. No, not would have. Did you or did you not take notes?---From memory, yes, I would have been taking notes.

20 So you remember taking the notes?---Not 100 per cent but I would of, yes. That's how I - - -

No, no, no, no, not would of. Did you or did you not take notes?---I don't remember.

So now you don't remember taking notes?---Well, I'm trying to explain to you what I do remember but you're not accepting my answer and you're forcing me to say either yes or no when I can't answer that.

30 You told us a short time ago that your memory was so bad that you couldn't remember what happened or what was a PCG report in 2013?---Yes.

Do you remember saying that?---Yes, I do.

And I asked you how it was that you were able to compile this schedule of all of these hours - - -?---This is not two years - - -

Let me finish?---Sorry.

40 Over all of those items that appear under the term “description” and you said that you would have taken notes?---Possibly, yes. This is two years later.

Well - - -?---Doing something in a day and doing something two years down the track is completely different.

It might be, Mr Chacra, but when you said you would have taken notes you then said a short time later yes, you did take notes. Now which is it, that you did take notes - - -?---I was – I remember - - -

- - - or you don't remember taking notes?---No, no. I remember taking notes on site visits to – but I can't remember what I was writing at the time.

MR BRADY: So no doubt this would have been the first time that you did a PCG report?---Most likely, yes.

10

It's not something, bearing in mind this is the first time you did this report and you spent four days on it, that's now starting to come back to you?---Now?

Yeah?---This is not a very comfortable position to be in, no.

So it's just not coming back to you at all what it was?---No.

Does the term "project control group" meaning anything to you?---No.

20

All right. In addition to the 30 hours that you spent on the PCG report you then spent four hours on the tender evaluation review. Do we take by the answer that you gave earlier that that's in fact the Tender Evaluation Committee?---I'm not sure I, I don't remember.

All right. And then the tender evaluation report you've then spent 35 hours writing, do you see that?---Yes.

What did you do in 35 hours it took you to write that?---What?

30

What did you do in the 35 hours it took you to write that?---I don't remember.

Can I take you over then just to page 904. Now 35 hours, I mean really, the best part of four and a bit days isn't it, right?---Yes.

See 904, this is your tender evaluation report, do you see the date of the Tender Selection Committee meeting, 15 March, 2013?---Yeah.

40

No doubt you then wrote the report after that?---I can't remember.

Well, you would have had to have written it after the Tender – sorry, the Tender Evaluation Committee meeting wouldn't you?---I, I do not recall.

THE COMMISSIONER: Mr Chacra, I should in fact indicate to you that the warning I gave you at the very beginning of your evidence about the use of your answers in a prosecution for lying or misleading the Commission is also available where the Commission might form the view that you are

deliberately refraining from truthfully answering questions which is sometimes called a constructive refusal to answer and if the Commission forms the view that your constant refrain "I don't remember is in fact a deliberate attempt to resist answering the questions truthfully you would nonetheless be liable for misleading the Commission, do you understand that?---I do and how - - -

Thank you, I just want to make sure you understand it, that's the only purpose of my question?---Can I ask you a question?

10

No. That's the only purpose of my question is to make sure you understand it so that there is not a complaint at the end of the proceedings about any denial of procedural fairness?---But if that's the only answer I have how, what, what else can I answer?

Yes, Mr Brady.

MR BRADY: So you see that, the date of the Tender Selection Committee meeting 15 March, 2013, right?---Yes.

20

No doubt you then wrote the report after that, would that be fair to say? ---Would it be fair, I can't remember, I don't know.

Can I take you to page 900. Do you see at the bottom of that page, it's a email from you to Mr Andjic and Ms Kent - - -?---Ah hmm.

- - - enclosing the tender evaluation report, do you see that? Go down, do you see that?---Yes.

30 You wrote that on 18 March, didn't you?---If that's what the date says then, yes.

So the tender evaluation review or the tender selection committee meeting is on 15 March and by 18 March, you've sent it to them having performed 35 hours of work on it. Is that a fair summary of what you're saying?---From what you've shown me, yes.

40 No doubt doing nothing else during that period of time. Be working 12 hours days if not longer to get that done wouldn't you for 35 hours between that time?---If you're going off the hours, yes.

Well you've written, haven't you, 35 hours for the job, haven't you?--- Yeah. I have.

You say, don't you, that you did 35 hours on the tender evaluation review surely?---It's got written there.

Well, that's different than saying that's what you did. Do you say that you spent 35 hours on that tender evaluation review?---I can't answer. I can't be sure of my answer. It doesn't necessarily mean I did – if it's – no.

Well why would you put in a bill for 35 hours of work on the tender evaluation report unless you were sure you had done 35 hours of work?--- Because of the fee proposal.

10 When you say because of the fee proposal do you say you could effectively make up the hours as long as it was – didn't go past the fee proposal?---It would've been possible. I don't – I can't remember. I thought once you get an approval on a fee proposal that's the amount of money given for that project as long as the works were done it didn't matter how, how much time was spent.

Well why put down an hour figure at all?---I might as well shouldn't of.

20 THE COMMISSIONER: What so your practice was to just look at the amount of money that was devoted to the project and make sure that that was the amount that you invoiced for regardless of how much time you spent on it?---That's my understanding of a purchase order.

MR BRADY: So you figured you could actually just make up the number of hours to get up to whatever your fee proposal was whether you did the work or not?---No. I was just giving an example. I can't remember what I did.

Now then there's incidentals. Do you see that?---No.

30 Underneath, I'm sorry, my fault. I wonder if we can back to the account, that's 1013. See where it says incidentals?---Yes.

Do you see it just basically says item?---Yeah.

What's that?---A cost.

What cost?---I don't remember.

40 See that's \$5,260 worth. Right?---Yeah.

You have no idea today what that was for?---No.

Was that for your time?---I don't remember what it was for.

It would have to be for your time, wouldn't it? Was there anything else that was being spent by you on this matter?---Travel. I don't know.

Travel to and from Camden and Picton?---No. Maybe other travels, I'm not sure.

Sorry, I missed that?---Yeah. Who you talking to?

I missed you, sorry. What did you say?---Um, I can't remember what the incidentals were. No.

10 That's like 20 per cent of the total bill there, isn't it?---No, it's less than 20 per cent.

Right. Slightly less than 20 per cent. Right?---It's less than 20 per cent, yes.

And you don't have any idea what that's for?---No. I do not remember what it was for.

20 You see if you're charging out your time – withdraw that. You sent this bill through on 2 April, 2013. Do you see that?---Yes.

The previous bill you'd sent through for this job was on 12 March, 2013. Right?---I think so. I don't remember the date, yeah.

About three weeks in between bills, would that be fair to say?---Yes. The date shows that, yes.

About 16 working days between those two bills?---Okay.

30 Do you accept that?---I do.

\$25,780 at \$180 an hour is 143 hours, you accept that?---If that's what your calculator shows, yes.

You're sending a bill in for doing 143 hours of work, that would be fair to say wouldn't it?---Yeah.

Divide that by an eight-hour day and you get just shy of 18 days' work, do you accept that?---Yes.

40 In between 12 March and 2 April did you do just shy of 18 days of work project managing the Camden and Picton Courthouses?---I don't remember how many days I did.

Was anything like 18 days' worth of work that you did between 12 April and 2 April - - -?---I don't - - -

- - - project managing - - -?---I don't remember.

You don't remember because you didn't do anywhere near that sort of work, that's right isn't it?---What?

You didn't do anywhere near that sort of work did you?---I don't know how much I, how much I did during those periods, no, I can't recall.

You would recall if you'd spent 18 days working - - -?---I probably didn't do 18 days but I don't remember.

10 This bill is simply false isn't it?---Not if, if you take into consideration what I explained before about the fee proposal, no.

It doesn't reflect what work you did, does it?---The hours may be false, I, I don't know, I can't remember.

If the hours are false then it doesn't reflect the work that you did does it?  
---Correct.

20 It's a fraud isn't it?---I don't know if you could call it, I, I don't know.

Well, you got paid for work you didn't do, didn't you?---Which was originally approved in the fee proposal.

THE COMMISSIONER: Was this the nature of the arrangement that you had with Mr Andjic, that as long as the fee proposal was of a certain amount then you could submit invoices for various items as long as the total amount conformed to the fee proposal, is that the nature of the arrangement you had?---No, Commissioner, it's the nature of the industry I'm in.

30 I see, so if you're renovating someone's house and you in fact took two weeks to do the work but you had given them an estimate of four weeks you'd nonetheless charge them for the four weeks would you?---Yes.

Right.

MR BRADY: And what about if you estimated two weeks but in fact took four weeks, would you only charge the two weeks?---No.

40 So the amount you spend is actually important isn't it?---If it goes over, yes.

So putting in false hours is therefore a real issue isn't it if in fact your ultimate fee goes over the fee proposal?---I'm not sure if it did go over, I can't remember.

Don't worry about whether it did or didn't at this stage, just do you accept the proposition I'm putting to you or not?---Yes, but I don't, I don't work on an hourly, it's just very hard to, to go on what you're saying.

You see, you actually in your fee proposal set out what your hourly rates were didn't you?---Yes.

Why bother?---To make it look more professional.

All right. Set aside the number of hours, did you actually do a PCG report for this matter?---I don't remember any, I can't recall.

10 Because whether the hours are true or not true if you didn't in fact do the PCG report surely that means the invoice is a fraud?---I don't remember the PCG report, I just can't recall.

If you didn't do a PCG report surely the invoice is a fraud, do you accept that or not?---I accept that the PCG charge on that is incorrect.

So you're rejecting the proposition I'm putting that it's a fraud?---Yes.

20 Okay. Can I then go over if I can to 1015. It's another bill, 21 June, 2013, do you see that?---Yeah.

From Triton Group, right?---Yeah.

Then we go down and we see that you've got a description of "Site inspection, review of construction site, established and finalised program of works", do you see that?---Yeah.

And that's all included within a \$5,000 fee, right?---Hmm.

30 Do you see that?---Yeah.

How long did it take you to do the site inspection, review construction site, establish and finalise program of works?---Oh, I don't know.

Well, what did you do in relation to reviewing of construction site, establishing and finalising program of works?---Inspecting the work, make sure it all done, done correct, I can't remember, I'm just going off what I'm reading off this invoice.

40 All right. Well, let's go to the next one as well. "Additional works relating to the postponement of works due to Departmental review of court operations to Camden Courthouse CH including financial assessment," what was that?---I, I can't remember exactly what but this was the issue I was, I wasn't sure about. I know something happened there but I just can't remember what it was.

Sorry, you remember there was some issue but you've got no idea what that issue is?---Yeah, I can't remember what it was.



Well, \$10,360 worth of issue is some, at \$180 an hour, 57 hours' worth which on an eight hour day is seven full days of work, you accept that?---If that's how you're working it out, yes.

Well, what was it that took you seven full days of work to do in relation to the additional works relating to postponement of works due to Departmental review of court operations to Camden Courthouse?---I can't remember what it was.

10 No idea at all?---No.

Is this another bill, I withdraw that. Is this a bill that is a fraud?---No.

Did you actually do the work that's set out in this bill?---Yes, I believe I did do the work.

20 THE COMMISSIONER: What was the additional works that arose out of the postponement? It seems to suggest that there was something that wasn't factored into the original fee proposal that had to be done because of something else being postponed. What, why would that have occurred?  
---Oh, I can't remember what it was, I don't know.

But there was seven days of it and you don't know what it was?---Yeah, I don't remember what the delay was or what the issue was, no.

MR BRADY: And why would a delay mean that it's outside the scopes of the work?---If I remembered I'd tell you, I don't remember.

30 THE COMMISSIONER: You're absolutely positive though that you did those seven days of additional works are you, that's what you said a short time ago, you said you did do those works?---I did do works, I can't remember how long or what I did, I don't remember how.

Oh, so now you don't, now you don't remember if it was actually the seven days, it was, it was, it could have been something shorter than that?---I can't remember.

You've got no idea?---No idea.

40 So it could have been one day?---I can't remember. I don't know how long it could have taken, this was in 2013.

So you can't, you can't remember whether it was one or seven days?---No.

Despite the fact that you've put that amount of time down on the bill, is that right?---Correct, yes.

Let me ask you this, if you've put that item down on the bill representing that amount of work, at the time that you wrote that invoice was that accurate?---I, I can't remember.

Well - - -?---I, I would say yes but I'm not sure.

Well, why wouldn't it be accurate, under what circumstances would you write out an invoice that wasn't accurate? You told us a while ago that you would keep notes of the hours that you worked and you would - - -?---Yeah.

10

- - - use the notes to construct the invoices so why would that invoice not be accurate?---Maybe there was extra work that I needed to do that - I can't remember. I don't know.

No, but I'm asking you why would it not be accurate, why would you possibly submit an invoice that was, to your knowledge at the time, not accurate?---It should be accurate.

It should be accurate?---I think so, yes.

20

So you should have done the seven days?---I should have done, yeah, I should have done the time. I don't know.

MR BRADY: But you today can't remember anything you did during that seven day period working on this?---No.

Now, what I might do then is take you over to 1019. Now, that's another bill from you, right?---Yeah, is it another bill? Yes. Okay.

30 It actually says bill to Anthony Andjic?---Yeah.

See that?---Yeah.

15 August, 2013. Do you see that?---Yeah.

Job address Camden and Picton Courthouses?---Ah hmm.

Do you see that?---Yeah.

40 And you've said, "Additional PM", and I'm assuming that's project management?---Ah hmm.

"Additional PM works including meeting and review of contract documents outside of original scope." What was that?---Is that a question?

What was that? Yeah, that obviously is a question. What was that?---I don't remember what the additional works were.

You've got no idea what those works were?---No.

You've got no idea about the meeting and review of contract documents?  
---No.

You've got no idea what the contract documents were that you were reviewing?---I do not remember it, no.

10 You see, you've charged haven't you, excluding GST, \$16,870 for that haven't you?---Yes.

\$16,870 at \$180 an hour is just shy of 94 hours of work. You accept that?  
---Yeah, if you've worked it out, yes.

Which is just shy of 12 eight-hour days, right?---Yeah.

What did you do for 12 eight-hour days to justify this bill?---I can't remember the works.

20 And of course this bill is in addition to the additional works relating to the postponement of works due the Department view of court operations isn't it?---I'm not sure.

Do you say that that bill was an accurate reflection of what you did?---  
Which one?

Well, did you do the work in order to charge \$16,870?---I would have done work, yes.

30 Did you do the work in order to charge \$16,870?---I did do the work.

Right. So you did basically about 12 full days' work on additional PM works including meeting and review of contract documents outside of original scope. Is that what you say?---I'm saying I don't remember what I did for that but I must have done the work, yes.

So you must have spent almost 12 days doing this but you don't remember a single thing you did during those 12 days?---No.

40 Is that – you say that's what the case is?---That's what the case is.

THE COMMISSIONER: Could I just confirm that throughout all of this you're the only person working on behalf of the Triton Group, you're the only person doing this work, you didn't have someone else working alongside you?---No.

Just you all on your own?---Well, I'd get help but it wasn't – like I said, I can't remember if there was help from someone. My wife maybe typed stuff but no - - -

No, no, I'm talking about the building work?---Yeah, no, it was me.

Just you?---Yeah, it was me.

10 MR BRADY: You see, the total you charged for the work for Camden and Picton was \$65,670. You realise that do you?---That's what it shows, yeah.

What was your fee proposal?---I don't know. I haven't seen it.

Some 42,000 - - -?---Oh, yes.

- - - 950-odd dollars?---Yeah.

Would that be right?---Yes.

20 Plus GST so let's round that up \$46,000-odd right?---Yeah.

So it went in excess of about – sorry, withdraw that. It went about \$20,000 over didn't it?---Yes.

The amount you charged was \$20,000 more than your fee proposal?---Yeah.

Doesn't it then become important how many hours you put down that you'd worked?---Yes.

30 So looking back at it now it's clear isn't it that you overcharged the Government for the work that you did, right?---Yes.

It was a fraud wasn't it?---It wasn't a fraud. It was overcharged.

THE COMMISSIONER: What do you call a fraud, Mr Chacra?---Stealing without doing anything for it.

Well, isn't that what this is, the Department paid you money for work that you didn't do?---But I did do.

40

You've just told us that it went \$20,000 over the fee proposal?---Yes, but I don't know, I can't remember what the additional works were that I charged.

I thought your evidence was that when you filled out an invoice to serve on the Department you made sure that whatever it was you put down corresponded with the fee proposal?---Not everything but - - -

Well, but you just told us that you didn't keep accurate records of how many hours you worked and the only thing that you were concerned about was the fee proposal and the fee proposal was \$42,000-odd?---Yeah.

So how do we get to 60 something?---I don't know what the extra charge – I can't remember what the extra charges were.

10 Well, I thought some time ago we established that you may not have done the seven days' work on whatever additional work was required because you simply couldn't assert that the, that you'd done more than one or two days. You simply can't remember?---I don't remember how long it took but I, I would have done more work.

You're still maintaining that all of that was accurate?---The time?

Yes?---No. The work, the extra work I did outside the scope is accurate but I don't know what it was.

20 Including, including all the hours that it took - - -?---I don't know about the hours.

- - - to do it?---I can't be sure.

Well, I'm sorry, if you're billing for the hours - - -?---Yeah.

- - - to do the work then it's the hours that have to be accurate isn't it because you're costing out your labour. So do you still maintain that all of those invoices are accurate, you did all of that work?---I did all the work but the time is not going to be.

30 MR BRADY: If it's going above your fee proposal it would then revert wouldn't it to the hourly rate that you put in your fee proposal, right?---Yes.

So these additional works, for example, that were \$16,870 must be calculated on your \$180 an hour, right?---Or what I wanted for the job that I'm doing, yeah.

40 Well, it must be calculated on your hourly rate, right?---Not necessarily but - - -

Did you just pluck a figure out of the air and say I'll slap down 1600, \$16,870. That seems like a good figure?---No.

So you must have calculated it on your hourly rate is what - - -?---Yes, I understand.

- - - you say don't you?---Yes.

So 12 days' worth of work?---Mmm.

And you don't remember a single thing you did in that 12 days?---No.

You see, ultimately you got paid, including GST, \$65,670. You accept that?---Yes.

At \$198 an hour, because that's including GST, that's 331, practically almost 332 hours of work on the Camden/Picton project you say you did?  
10 ---How much?

332 hours of work on the Camden/Picton project, right?---Yes.

Do you say you did 332 hours of work on this project?---Ah, it would be impossible with the time and dates.

You just didn't do it, did you?---Not those hours, no.

There's no way in the world you could've spent 332 hours and not  
20 remember the name of the company you were supposedly supervising as well, could you. That would be fair to say, wouldn't it?---Yes.

The charged the Government for work you didn't do. Right?---Hours. The work was done.

All right. All right. We'll move on.

THE COMMISSIONER: A moment ago you said you charged according to what you wanted to get out of the job. Is that, is that, was that your  
30 answer?---Youse are confusing me. I don't know.

No, no. I'm just asking what you said. I'm asking you to confirm what you said a short time ago. I heard you say you charged according to what you wanted to get out of the job. Is that what you said?---What I thought was fair for what I was doing at the time.

What you thought was fair?---Yes.

So you decided what you thought was fair and you charged accordingly?---  
40 Yes.

Right.

MR BRADY: At any stage when you're sending off these tax invoices or bills to Mr Andjic for the Camden Picton job, did he raise with you the amounts that you were claiming?---I don't recall having a conversation like that with him, no.

For example, did he say to you, hold on a second, what's \$16,870 for?---He probably already knew about it. I'm not sure.

Did he raise that with you?---I can't remember.

Did he ever question a single invoice you've sent in to him?---I don't recall.

10 But when you say you don't recall are you saying I don't know, he may have, or are you saying he did not?---I don't remember him doing that, no. I don't recall.

Now during this period of time that you're doing the Camden Picton project were you also work for Jacobson's?---I'm not a 100 per cent sure. It's possible.

And the work you were doing for Jacobson's included, for example, work as a carpenter. Right?---Not necessarily. It could be anything.

20 It included, for example, work as a carpenter. Right?---Carpentry, yeah.

Work as a builder. Right?--- What?

Is that right?---Yeah.

Where you were actually doing things yourself?---Um, possibly. I don't know.

You set up a company called SAFF Projects, didn't you?---Yes.

30 You set that up in February, 2013, didn't you?---Sounds about right.

You set it up to do project manager. Right?---Yes.

How did you come up with the name SAFF?---Same way I come up with Triton.

How?---Ah, well, I've got a friend of mine that works for SAFF Construction and I've, I've seen that name in our Holy Book.

40 Who's the friend?---Well his name's -- he works for the company.

Sorry, what company is it?---Ah, I think SAFF Construction.

SAFF Construction?---Yeah.

S-a-f-f?---No. It's S-a-f.

S-a-f?---Um, yeah. I think it's S-a-f.

So SAFF in this case is S-a-f-f, isn't it?---Yes.

Your first name is Shadi?---Yeah.

Anthony Andjic's first name is obviously Anthony?---Yeah.

Fayrouz Hammoud's first name is obviously Fayrouz?---Yeah.

10 Fatima Hammoud's first name is obviously Fatima?---Yeah.

S-A-F-F, is that how you came up with SAFF?---No.

That's just a coincidence?---Yes.

Anyway when you set up SAFF did you do so in anticipation of getting project management work from the Government?---Yes.

20 Why did you think you were going to get project management work from the Government?---Because of the opportunity I got when I did the Camden and Picton.

You see you're doing the fee proposal aren't you for Camden and Picton on the – supposedly 19 February. Remember me showing you those documents?---Yes.

And that was for Triton Construction Group, yes?---Mmm.

30 Ah, Triton Group, sorry?---Yeah.

When did you set up SAFF?---I don't – don't know the date.

All right. Let me just show it to you if I can. All right. I'll just get it out. On the day that you received an email saying we're looking for a project manager and sent in a fee agreement in relation to Triton you set up SAFF?--It appears that way, yes.

It doesn't appear that way, that is that way, isn't it?---Yeah.

40 How in the world on that same day where you get a letter effectively for the first time saying we want you to do some project management to decide, look, this a great opportunity I'm going to set up another company entirely?--I can't remember.

Well you set up SAFF. Right?---Yes.

You set it up for the purpose of project managing you say?---Yeah. Well setting – getting a company registered isn't very hard.



You were setting it up for the project management work. Right?---Yeah.

In anticipation of getting Government work project managing. Right?---  
Yes.

10 How did you come to the conclusion on 19 February, the day you get your  
first email from them about project management that you're going to get  
more work project managing for the Government?---It was just an  
assumption. I don't know. I can't remember.

An assumption based on what?---Nothing. I don't – I can't remember.  
What was the email that was sent to me on the 19<sup>th</sup>, I don't - - -

All right. Let me show it to you?---Yeah.

20 Do you see that at 839. The email to you saying undertaking some  
redevelopment works at Camden and Picton Courthouses. Do you see  
that?---Yeah.

You then sent through the fee proposal that very day?---Okay.

That's the fee proposal I'd shown you before. You understand that, it's at  
850?---Ah, I think that's - - -

MR AYACHE: Commissioner, without trying to split hairs, Counsel  
Assisting has put that the EP proposal was sent through the very same day.  
Don't know that - - -

30 MR BRADY: I'll accept that.

MR AYACHE: It's only a document dated the same - - -

THE COMMISSIONER: Yes. It was – that's right.

MR BRADY: I'll accept that.

THE COMMISSIONER: It was sent on the following day.

40 MR BRADY: We don't in fact know when it was sent on the following  
day either because at the top of it, anyway, dated 19 February, 2013. Do  
you see that?---Hmm.

You did it on 19 February, 2013 no doubt. Would that be right?---I don't  
remember, maybe.

Well would you put a date if you do something?---Well if it was – if I started it the day before and finished it the second day I probably would've left it. I don't know. I can't remember.

Fair enough. In any event this is a letter that you've written at least starting on 19 February, 2013. Right?---Yeah.

10 And that very day you've decided to set up a new company in the anticipation of further Government work project managing. Right?---Yeah.

On what basis do you have an assumption that you're going to get work from the Government Department for further project management?---I don't – no assumption. I don't know.

Well, you're the one who's doing it, you tell us - - -?---I don't know.

- - - why you did it?---If, if an opportunity came up I wanted to have the two separate, the two companies.

20 Why?---For the way I was seeing things, the way I was planning things.

So how were you seeing things and how were you planning things?---Well, if I was to get work, if I was to get any other project management work I didn't want them going through Camden and Picton, I wanted to employ people to do the work for me.

30 What led you to think that you're going to get further Government work? ---I think the opportunity that I got the first time meant that I could get more, I don't know.

It's because you knew Anthony Andjic isn't it?---Oh, I don't know if I knew him, yeah, possibly, yes.

It's because he was seeing your sister, your sister-in-law or now sister-in-law wasn't it?---No, that's not the reason.

Well, how long after you set up SAFF did you get a further contract from the Government?---I don't know.

40 I mean, it was obviously surely after you set up SAFF that you got the first response from the Government about SAFF, would that be right?---Yeah, it wouldn't have been too long, I don't know how long it was.

You had your now wife help you with SAFF didn't you?---Yes.

She was a teacher at the time?---Yes.

She had no project management experience?---No.

You agree with that?---Yes.

Had no experience in construction?---Well, no project management skills for construction or construction, yes, that's right.

Did you speak to Mr Andjic about the fact that your, I'll just call her your wife if that's easier rather than now wife?---Yeah.

10 Your wife was going to help you with this?---No, I don't believe I did prior to any help or any work I did, sorry, I was wrong.

Can I take you to an email 1034, see that's from Anthony Andjic?---Yeah.

That's going to SAFF Projects, do you see that?---Yes.

Do you see the date?---Yeah.

21 February, 2013, right?---Yeah.

20

Two days after you've set up SAFF Projects?---Ah hmm.

Right?---Yeah.

And two days after you've at least started your fee proposal for Triton in relation to Camden Picton?---Mmm.

Do you see that?---Yeah.

30 And it's an email from Anthony Andjic to Fay, now Fay bearing in mind that SAFF Project's email is your wife, right?---Yes.

"Further to your phone call regarding works within the Department we have a number of projects that we need the services of a qualified and panelled project manager. I request a fee proposal from your organisation next week and will forward the scope accordingly. Once again we look forward to discussing the further proposal."?---Ah hmm.

Do you see that?---Yeah.

40

How did you get that?---I must have given it to him.

You see, you're not sending, you're not at least doing your fee proposal for the first project managing job you get from the Government until 19 February, 2013, right?---Sorry, what was that?

You don't do your fee proposal for the first project management job you get until 19 February, 2013, right?---Yeah.

And that's for Triton, right?---Yes.

Within two days of that, SAFF is being invited in relation to project management- - -?---Yeah.

- - - by Mr Andjic?---Yes.

10 How did that come about?---Me telling him about what I can do.

You telling him about what you can do?---Yeah, yes.

What did you tell him about what you can do?---Well, I can't recall the exact conversation but I told him I had a company to, to do project management, but it was a lie, I didn't have, I set it all up.

THE COMMISSIONER: You mean you had to tell him that it was a company other than Triton because he already knew about Triton?

20 ---Yes, yes, that's right.

So within that two-day period you told him that you had another company that could do project management?---Well, soon as I found out about the, yes, that's correct.

Right.

MR BRADY: So he knew that you were SAFF?---Yes.

30 And knew that you were Triton?---Yes.

Knew effectively they were owned - - -?---By the, yes.

- - - by you?---Yes.

And knew that as at 21 February, 2013 when he's sending that email to Fay?  
---Yes, he would have known.

40 Now, can I take you over to 1038 – sorry, in fact I'll go back, 1036. Do you see that's an email from Mr Andjic to Fay?---Yeah.

Now, no doubt when you're telling Mr Andjic that you have this company, SAFF, you told him that your wife was working for you?---No, I don't believe I told him who she was.

What did you say about who he should contact?---Um, I, I, I don't remember who it was but I would have said Fay, I probably would have said Fay Rouze, the fake name I was using, or, and given him the number, but I can't remember exactly what was happening.

And I might have misheard, did you just say, “the fake name I was using?”  
---Yeah, the surname, the false name, that’s right.

Because it was a fake name, wasn’t it?---Oh, it was a deceiving name, yes.

What was the purpose of the deceit?---To make my company look well-established and bigger than what it really was.

10 How did the name Rouze as opposed to Hammoud make it look that way?  
---How did it?

Yeah?---Oh, well, obviously from Fay’s sister working ah, I don’t know, in case he knew the name.

From Fay’s sister working, you mean working for that Government Department?---Well, the Government, I wasn’t sure which – I still don’t know exactly what she does, but yeah.

20 THE COMMISSIONER: No, I understood at the very beginning of today’s evidence you told us that you knew when Fatima got the job that she was working for the Department of the Attorney-General. That was what you said she told you, that that was where she was working when she got the job?---Yeah, but I, I, isn’t the Department of the Attorney-General really big? I don’t know what the Department of Attorney, how big the Department of the Attorney-General is.

MR BRADY: Well, if it is really big, why bother having Rouze for your wife’s name rather than Hammoud?---For the appearance of my company.

30 How does having Rouze as opposed to Hammoud affect the appearance of your company?---Just looks like I employ other people.

How does having the name Rouze as opposed to the name Hammoud look like you’re employing other people?---I don’t know.

Your last name wasn’t Hammoud, was it?---No.

40 So saying Fayrouz Hammoud wouldn’t alert anyone to the fact that she was your wife, would it?---No.

So how does it change making your company look bigger by having it as Fay Rouze rather than Fay Hammoud?---In case he knew the name. I can’t remember, I don’t know.

THE COMMISSIONER: In case - - -

MR BRADY: In case who – oh, sorry, Commissioner.

THE WITNESS: In case the, anyone from the Department who was reviewing my - - -

THE COMMISSIONER: No, you said, "In case he knew the name." Who was he?---Yeah, Anthony or anyone else who was going to send me out the work, it doesn't matter.

MR BRADY: And what do you mean by, in case he knew the name?  
10 ---Well, I didn't want anything to affect me getting the work and I, I wasn't sure if my wife was going to help me throughout the whole process or not but - - -

You were using the name Rouze to avoid using the name Hammoud, weren't you?---I was.

And the purpose of not using Hammoud is because you knew Fatima worked for the Department of Justice, right?---I knew she worked there, yes.

20 That was the purpose of using the name Rouze wasn't it?---One of them yes.

To avoid people knowing that Fay Hammoud who was working for SAFF was the sister of Fatima Hammoud, that's right isn't it?---Well, it's part of it, yes, you could say that.

Well, it's no question whether I can say that, that's true isn't it?---Partially true, yes, yes.

30 And the reason behind that is because you knew Fatima Hammoud worked in the Department of Justice, right?---Yes.

Why, why were you worried about the fact that they might link Fay Hammoud working for SAFF with Fatima Hammoud?---I wasn't worried, it wasn't something I thought of for a long period of time, I just did it then and there, you saw how quick I set up the company.

You were worried about it because you knew Fatima Hammoud and Anthony Andjic were in a relationship didn't you?---No.

40 You knew, didn't you, that you were getting the work from Anthony Andjic because of that?---No.

So you getting this work and so quickly for SAFF was just in your mind because of what?---Oh, I thought he wanted to impress her to eventually maybe build a relationship but I don't know but I knew I was favoured, I don't know why.

So at the time you're doing this you know that Anthony Andjic is at least interested in Fayrouz's sister?---No, I don't know if that's, I can't – no.

THE COMMISSIONER: Well, Mr Chacra, just one moment ago, just one moment ago your answer was that he, ie, Mr Andjic, was interested in your wife's sister and you said something to the effect and I was being favoured, I don't know why, now that was what you said. What did you mean by that?---What I meant is - - -

10 MR AYACHE: Commissioner, he said I thought, he didn't say he was interested, I thought - - -

THE COMMISSIONER: All right. He thought he was being favoured, what did you - - -

MR AYACHE: And then the question was he said he knew which, there is a difference between them so - - -

20 THE COMMISSIONER: Well, all right, but I'm just asking him to explain what he meant by that?---Okay. Because it all happened in 2013 I don't know exactly when, I, I - - -

I'm not asking you - - -?---But I'm trying to explain to you where I'm - - -

No, just stop just right there please because we don't want to talk at cross purposes. I'm asking you to explain what you mean by that answer that you just gave, that you thought you were being favoured, what did you mean by that?---Well, I knew I had a good opportunity of getting work, I don't know like, ask me the question again so I can answer.

30 MR BRADY: Why did you think you had a good opportunity of getting work?---Because I got one job, I, I, I obviously did jobs, I don't know how many, before.

Sorry, you thought you had a good opportunity of getting work because you've done a previous job?---Well, I, I established a contact, I did the first job, whatever, and then I don't know how many after it.

40 You see, you hadn't even done anything in relation to the Camden Picton before you're being offered further work for SAFF had you?---Sorry?

Well, Camden and Picton, you're only sending or only drafting the fee proposal on 19 February, 2013 aren't you?---Yes.

You hadn't done anything in relation to the Camden and Picton and the project manager by then had you?---Not for Camden and Picton, oh, I don't know, can't - - -

On 21 February you're being offered further work - - -?---Yeah.

- - - for SAFF right, that's right?---Yes.

So you hadn't shown your colours as a project manager by the time you're being offered further work for SAFF had you?---No.

So why did you think you were going to further work for SAFF?---I'm confident I was going to do the right thing.

10

You knew you were going to further work because you had a relationship with Mr Andjic didn't you?---No.

All right. Can I take you over then to 1038. Do you see that's a letter from SAFF Projects?---Yes.

On 27 February, 2013?---Ah hmm.

20 No doubt you, sorry, no doubt that was prepared on 27 February, 2013?--- That's not certain, no.

All right. So it might have been prepared before that?---I don't know, yeah, probably.

Well, let me take you to 1036. Do you see that's an email - - -?---Okay.

- - - from SAFF Projects to Anthony Andjic dated 27 February, 2013, fee proposal Cessnock, see that?---Yes.

30 "Dear Anthony, please attached SAFF Projects' fee proposal for project management services." You see that?---Hmm.

So if I can go back to 1038 and that's a fee proposal for, proposal for Cessnock Courthouse redevelopment, right?---Ah hmm.

Now SAFF Projects is putting forward this fee proposal as a project manager, that's right?---Yes.

40 You're the owner of SAFF Projects?---Yes.

Your wife may be going to help you, right?---Yes.

Did you write that letter?---Possibly.

You don't know today whether you did or you didn't?---No.

Who else could have written it?---Me or my wife. Look, I'm not sure.



Sorry?---Myself or my wife.

Your wife might have written that?---I don't know, yeah, I can't remember.

What experience did your wife have in relation to putting forward a fee proposal for project management?---Oh, I would have helped her obviously.

What experience did your wife have in putting forward a fee proposal for project management?---Little.

10

Any?---I'm not sure.

In any event within that proposal you refer to the, at the third dot point "preparation of all associated procurement requirements including tender documentation for construction utilising MW21 contract." Do you see that? ---Yes.

What are the procurement requirements to start with?---I'm not sure, contract requirements, I'm not sure.

20

And what was MW21 contract?---I can't remember. We already spoke about that.

You wrote this though?---Beg yours?

You or your wife with your assistance wrote this?---Yes.

No one else wrote it?---No.

30 How did you come to the figure of \$44,270?---I don't remember how.

Well, had you been for a site visit?---I can't remember.

Did you get the project plan?---I can't remember but I know I've been to Cessnock Courthouse.

Sorry?---I remember being to Cessnock Courthouse.

40 Well, did you go before you did the fee proposal?---I can't remember when it was.

Now down the bottom of that letter it says Fay Rouze doesn't it?---Yeah.

That's this fake name?---Yeah.

It's your company, right?---Yes.

It's a fee proposal from your company to the Government, right?---Yes.

Why aren't you signing off on it?---I didn't think I have to.

Why aren't you signing off on it?---I didn't think I have to.

Whether you had to or didn't have to why aren't you when it's your company?---That's why.

10 So the only reason why your wife as Fay Rouze and this fake name is signing off on it is because you didn't think you had to sign off on it? ---Well, no, I don't, is this – are you talking about this document?

Yes?---Is it signed, I don't know.

Well, when something is sent through by email - - -?---Yeah.

- - - a signature can be done in a number of ways can't it?---I'm not sure.

20 Well, firstly a name at the bottom?---Oh, okay.

The name at the bottom is Fay Rouze isn't it?---Yes.

It's not your name at the bottom is it?---No.

Why isn't it your name at the bottom?---I didn't think I had to put my name down the bottom, it's another, like showing my company has got staff.

To show your company's got staff?---It has staff yes, working for it.

30 Right. Did you not put your name down the bottom because you wanted to make it appear as though SAFF Projects wasn't your company?---No.

All right. Down the bottom where it says Fay Rouze - - -?---Ah hmm.

- - - under that has a phone number, right?---Yes.

Under that it says "senior project manager" doesn't it?---Yes, it does.

40 That's just a straight lie isn't it?---Yes, it's incorrect.

Well, it's more than incorrect isn't it?---Yeah.

It's a straight lie isn't it?---Yes.

Why did you do that?---Why did I lie?

Yeah?---To get the work.

THE COMMISSIONER: Mr Chacra, at the time that this letter was sent to Mr Andjic, on your evidence Mr Andjic already knew that Triton and SAFF Projects were one and the same thing, i.e. a company owned by you?---Yes.

So it wouldn't have come as any surprise to Mr Andjic if you had signed the document in your name rather than your wife's name?---No, I just think it looks like I've got more people working for me because that's all it is.

10 MR BRADY: Well, he already knew that he had Fay working for him because you'd emailed him, right?---Yes.

Emailed her, right?---Yeah.

So why if you're thinking it would make me seem like I've got more people working for me didn't you put another name down the bottom?---Because I knew I'm going to need her help temporarily till I got started.

Now, you indicated that you went to Cessnock Courthouse?---Yes.

20 When and what for?---I've been there on several occasions. I - - -

Well, let's look at the first one. What was the first time you went there?---I believe it was for the pre-tender meeting.

Sorry, you went for the pre-tender meeting?---Under Triton Group not SAFF.

30 Okay. So you went up to Cessnock Courthouse for the pre-tender meeting representative Triton?---Yeah, I think, yes.

All right. Who else was there?---At the meeting?

Yes?---The other building companies.

Sorry?---The other building companies.

All right. So the other building companies who were tendering for the Cessnock Courthouse project, right?---Yes.

40 You were planning on tendering for the construction in relation to Cessnock Courthouse project, right?---Yes.

Because you already as SAFF had the project management didn't you?---I can't remember if it was at that stage. I don't know. I can't remember the dates.

Well, surely as project manager SAFF was appointed before then looking to the construction?---That's something you're going to have to ask – I can't remember.

All right. Well, at the tender meeting – sorry, at the pre-tender site inspection you were there, the other building companies were there. Who else was there?---The Registrar and Anthony.

The Registrar and?---Anthony.

10

And Anthony?---Yeah.

Anyone else?---I'm not sure but I think Fatima was there as well.

Fatima was there as well?---From memory, yes.

Anyone else?---I'm not sure.

Your wife was there wasn't she on behalf of SAFF?---On that day?

20

Yeah?---I'm not sure.

She was there as project manager wasn't she?---I can't remember. I don't know.

All right. Well, when you went for this pre-tender site inspection and saw Fatima there what did you think?---What is she doing there.

Did you?---Yeah.

30

Did you say something?---I said hello to her.

Did you say what are you doing here?---No. I came late. I believe I was the last one to arrive.

Well, whether you're the last one to arrive or otherwise did you say to Fatima what are you doing here?---No.

What did you think she was doing there?---I knew she was with Anthony.

40

You knew she was part of Capital Works?---Yes.

Right?---At that point I didn't know what Capital Works was but, yes.

Right. The people who decide - - -?---Yes.

- - - who gets the contracts?---Yes.

So no doubt you thought to yourself when you saw Fatima there this is another great opportunity to get some work. Would that be fair to say?  
---Yes.

Because now your sister-in-law is involved in this process as well. That's right?---Yes.

Thinking about that and thinking about the fact that Fatima was there do you now have a recollection of whether Fay was there as well?---I don't believe  
10 she was. I don't know.

All right. You see, part of project management would be to be involved in the pre-tender site inspection for the construction companies wouldn't it?  
---If there was a – yes.

Well, bearing that in mind, was there anyone there who was representing SAFF as opposed to you being there representing Triton?---I don't remember that time, no. I don't think so.

20 Well, did Anthony say to you well, look, someone from SAFF should be here because they're project managers?---I don't know if SAFF had the project management at that time for, for Cessnock. I'm not sure. I don't know the dates.

Now, you know that Fay did go to do a site meeting don't you?---Where to?

To Cessnock?---I know she's been to Cessnock, yes.

30 Did you ensure that Fay was the face of SAFF when dealing with the Department?---Yeah, I think, yes.

You never were the face of SAFF when dealing with the Department were you?---No.

You never attended any meetings on behalf of SAFF?---No.

You never wrote anything under your name on behalf of SAFF?---No.

40 Never submitted anything to the Department under your name on behalf of SAFF?---I don't think so.

You did that deliberately didn't you?---Some – most occasions, yes, if there, if - - -

Why?---Once again to make my company appear larger than what it really was. She was the senior project manager looking after everything. That's how I made it out to be.

Didn't think at some stage the Department would actually want to have the input from the person who ran the company?---Well, I was available if they wanted it.

Did you send Fay as the face of the company in order to pretend there was a difference between SAFF and Triton?---Yes.

And why did you want to pretend there was a difference between SAFF and Triton?---SAFF was project management, Triton was construction.

10

And why did you want to pretend there was a difference?---For more work, more work.

So you get both the project management work and the construction work for the one job?---On some cases, yes.

Because you knew that if people knew SAFF and Triton were the same that you wouldn't be able to get the project management and the construction job for the one job. That's right isn't it?---No, I don't think I knew that.

20

Now, the project management itself by SAFF for this Cessnock job who did that?---Sorry, what was your question?

The project management work of SAFF for the Cessnock job who actually did that?---Well, majority was my wife and my – and I'd help when she came back from meetings and stuff.

When you say the majority was your wife - - -?---Yeah.

30

- - - your wife knew nothing about construction, right?---That's right.

She knew nothing about project managing construction, right?---Yes.

So how was she doing it?---Well, I took a risk with it.

Sorry?---I took a risk.

What do you mean you took a risk?---I sent her out to the first one, she did okay and – it was mostly paperwork.

40

Sorry, the project management role was mostly paperwork?---Yes.

What about the role of ensuring the quality of the work that has been done by the construction company?---Well, I have the knowledge for that.

Sorry?---I have the knowledge for that.

I'm sorry, I missed that again?---I have that knowledge.

But you're running the construction, right?---Yes.

So you're then what supervising yourself in relation to the quality of your work?---In a way on those projects.

But when you say in a way, isn't that exactly what was happening?---Yes.

10 So would sign off on whether or not you had done a good job?---I wasn't really signing anything.

Part of being the project manager ensure the quality of the work. Right?---Yes.

Forget about the term I used of signing off. You would check to see whether or not you had done a good job?---Yes.

Did you ever give yourself a fail?---No.

20 At the time all that is happening, that is that you're effectively project managing yourself and making sure that you've done a decent job, Anthony Andjic knew that's what was happening?---I don't know if he knew that.

Well he knew SAFF was you, didn't he?---Yes.

He knew that your company was supervising your company. Right?---Yes.

Tenders were called for for the construction of Cessnock. Right?---Yes.

30 And you put in a tender?---I did.

Did you do the tender document?---Yes.

You filled it out?---I filled what out?

You completed the tender document?---Yes.

No one helped you?---No, my wife helped me.

40 Sorry?---My wife helped me.

Right. What did your wife help you with?---With the design of the front, ah, setting it out.

Right. Did you know at the time your wife was helping you with the tender document that your wife was going to be on the Tender Evaluation Committee?---I'm not sure of the dates. I don't know. I can't remember.

So you'd been on the Tender Evaluation Committee for Camden, hadn't you?---Yes.

Because you were the project manager?---Yes.

You must've known that your wife on behalf of SAFF as the project manager would be on the Tender Evaluation Committee for Cessnock. Right?---I would've known that, yes.

10 So when you're filling out these tender documents and getting your wife to help you, you knew she was going to be on Tender Evaluation Committee for that job?---If we had the project management at that time, yes, I would've known.

Well you got the project management job didn't you on the documents we've just shown you back in 27 February, 2013. Didn't you?---Sorry, was that the date I knew we got the project management job?

20 Well that was the date that you sent through the fee proposal, wasn't it?---If that's what it says, yes, on the email.

Well on the email on the – at 1036, what it says down the bottom isn't it, the project plans for the works will be forwarded to you shortly. Do you see that, the second last paragraph on the page?---Yes.

The project plan for the works will be forwarded to you shortly and forms the basis of the agreement and for your information. Can you please provide a fee proposal in relation to the project plan and the above. The engagement will commence effective immediate. Do you see that?---Yeah.

30 Right. So you send through the fee proposal on 27 February?---Ah hmm.

And on 27 February, SAFF is the project manager. Right?---If I got the approval back, yes.

Okay. Can I take you over then to 1039. See that an email from Anthony Andjic to Faye. Thank you for your email and the proposal. Your fee has been accepted. On Monday, 4 March, a site visit will be undertaken to finalise the scope. Do you see that?---Yeah.

40 So by 28 February, 2013, SAFF is the project manager. Right?---Yes.

The tenders for the construction – the tender closing date for the construction work was 11 April, 2013. Can I take you to 1459. You see tender closing date?---Yeah.

Cessnock Courthouse redevelopment, 11 April, 2013. Right?---Ah hmm.



So it's no doubt is there that when you're doing the tender documents you know, well in fact SAFF was the project manager. Right?---Yes.

There is no doubt therefore that you knew that someone from SAFF would be on the Tender Evaluation Committee?---Yes.

And because there was only you and your wife, you knew it was going to be your wife. Right?---Yes.

10 She then helps you with your tender for the job?---Yes.

Did you see that as in any way a problem?---Not really.

What do you mean not really?---Well, she was hoping me, helping with the logos and the set out not the information contained inside the tender.

Well because it would be fair to say this, wouldn't it, you knew that she really wouldn't have any idea about the information set out in the tender?---Correct.

20

You knew you were sending someone from SAFF to a Tender Evaluation Committee who didn't really know anything about construction. Right?---Yes.

All right. Now your tender – can I take you to 1383. That's the tender that you put in. Do you see that?---Yes.

You didn't fill out any of the amounts for the various works along the way, did you?---No.

30

Why not?---I didn't think it was necessary.

You're attempting to tender for a contract for construction in the sum of \$203,450. Right?---Yes.

It would be fair to say this, wouldn't it. In terms of you getting a construction job for your company this would've been the biggest by far. Right?---At the time, yes.

40 Why didn't you think it was necessary to fill out the amounts along the way?---Because the total was there.

Did you think it's not really necessary because you knew you were going to get the job anyway?---Not guaranteed, no.

When you say not guaranteed, you knew your wife was on the Tender Evaluation Committee. Right?---Yes.

You must've been pretty confident you were going to get it?---I was.

You also knew that Fatima was also involved in this. Right?---In some way.

Well she was at the Cessnock Courthouse when you go for the pre-site, sorry, the pre-tender site inspection. Right?---Yes.

You must've been feeling pretty confident that you were going to get the job for the construction, mustn't you?---Yes.

10

And you didn't fill these out because you didn't need to. Right?---No.

Because you knew you were going to get the job. Right?---No.

THE COMMISSIONER: Where did the figure come from the two thousand and three, sorry, \$203,450, where did that come from?---The scope. The scope of works.

20

MR BRADY: How did you calculate it though?---On my experience.

But how did you actually come to a conclusion that it was \$203,000?---What do you mean?

Well, did you just look at the scope of works and say, oh, yeah, that looks like \$203,000 worth?---No.

Did you go through and work out what you needed to do each, each step of the way?---Yes.

30

So why not then fill that out in your tender if you actually went to that effort?---Didn't have to, it's my tender.

But you've already worked out how much for each of these things?---Yes.

Right. You've worked out how much for each of these things to get to \$203,000 and you say, oh, yeah, but I didn't think I had to so I didn't bother putting down those figures. Is that what you say?---Sorry, can you just repeat that?

40

Yeah. You've already worked out how much for each of these things, right?---Yes.

In order to get to the 203. Why not put them in the tender?---Ah, because I didn't believe I didn't do it.

Can I take you over – in fact just before I do that, the Blacktown job, the Blacktown Courthouse job took you two weeks?---I don't know.

Roughly?---No roughly, I can't remember.

Well, it didn't take two months. That would be fair to say, wouldn't it?  
---Ah, it – I can't remember. I was back and forth for a while. The physical part of it, no, it didn't.

How much did you get paid for the Blacktown Courthouse job?---I can't remember.

10 Well, was it less than \$10,000?---It was around somewhere between there, I don't know.

Around about the \$10,000 mark?---I'm not sure, yeah.

All right. What was the biggest of the two jobs you can remember doing the house renovations?---Around the \$200,000 mark.

That was without DA, was it?---Yes.

20 A \$200,000 house renovation - - -?---No, sorry, sorry.

- - - without - - -?---Sorry, that's incorrect. That's, I'm confused, that's incorrect.

What was the biggest of the house renovation of those two that you did by yourself?---It's - - -

Or for your company, I should say?--- - - - under 100,000. I can't remember what it was.

30 Okay. Can I go over to then 1387. This is your tender?---Yeah.

Do you see it's asking you for your demonstrated successful management three contracts, projects, do you see that?---Yes.

And you've got client's name and location of contract, contract price, start date and completion date. Do you see that?---Yes.

40 You've got DAGJ. That's the Department?---Ah hmm.

That's the Blacktown Courthouse, right?---Yes.

You put down the contract price, a project value of \$50,000 - - -?---Ah hmm.

- - - haven't you?---Yes.

Starting date of February 13, sorry, February 13, and you've indicated it's ongoing?---Ah hmm.

You'd done surely the wall and the handrail by then?---There was still the acoustic issue.

Wasn't the acoustic issue – or you were trying to solve the acoustic issue by taking down the wall?---That was the first part.

10 Well, did you do anything more to it?---To the wall?

No, for the acoustic issue?---Yes.

What?---Re-attendance with Amin and the um, the Registrar and also - - -

Sorry, you did what?---I kept going back and forth with Amin, we had to go a number of – I can't remember exactly how many times but I've been to Blacktown Courthouse a few times.

20 But did you actually do any other construction work in relation to the acoustics - - -?---Oh.

- - - other than taking down that wall?---No.

So you didn't think that might be a little bit misleading, saying contract price project value at 50,000 ongoing?---Yes.

You think it was a bit misleading?---Yes.

30 All right. The next one is Aldi Huntleys Point redevelopment. You've got a contract price project value there of \$5 million. Do you see that?---Yes.

Between March '11 and December '11. Do you see that?---Yes.

What was that?---It was a lie.

And then you've got GIO Insurance repair Mosman, \$250,000 August '12 to October '12. What was that?---It was deceiving.

40 It was a lie as well?---Partially, I was doing insurance work but yeah, it was nowhere near that value.

Well, did you actually do an insurance repair at Mosman between August '12 and October '12?---There would have been in, at Mosman, but it wasn't just one.

Sorry?---There would have been work in Mosman, yes.

Right. But not an insurance repair Mosman \$250,000?---No.

So that again was a lie?---Yes.

Did you feel comfortable putting those lies in because you knew no one was ever going to check on them?---Well, I didn't think anyone reads through 'em, no.

Sorry?---I didn't think anyone reads through 'em.

10

You didn't think anyone would - - -?---Read through 'em, no.

THE COMMISSIONER: Read through them.

MR BRADY: Didn't think anyone would read through the tender?---Ah, vaguely, not, not in specifics, no.

Because you knew you were going to get the job?---No.

20

You knew your wife was on the Tender Evaluation Committee, right? ---I did.

You knew Fatima was going to be on the Tender Evaluation Committee, didn't you?---No.

You knew Anthony Andjic was going to be on it, didn't you?---Yes.

And you knew that you were getting the job?---I wasn't sure, no.

30

Well, in those circumstances why weren't you concerned that someone might actually look at this and say, well, we'd better check whether or not he did the Huntleys Point redevelopment for \$5 million?---I just didn't think.

THE COMMISSIONER: If you were genuinely trying to obtain work from the Department, not just on this occasion but on other occasions, would you have run the risk of putting down fraudulent or misleading information? If somebody had checked that and found that it was, that it was actually a deception, that would put an end to any prospect that you had of getting any further work, wouldn't it?---Yes, but the companies I was tendering against were so much larger than me so my chances - - -

40

You were prepared to take the risk, were you?---That's right.

MR BRADY: It's as simple as this. You were prepared to take the risk because you knew that you were getting the job anyway, right?---No.

You knew no one was going to check because you knew who was on the Tender Evaluation Committee. Right?---No.

Anyway, you got the job. Did that come as a surprise to you?---I was happy.

Did it come as a surprise to you?---Yes.

Sorry?---Yes.

10

It came as a surprise to you that you got this job?---Yes.

Who did the tender evaluation report?---Who did the - - -

Yeah?---Well, it was SAFF.

Your company?---Yeah, my company.

Did the tender evaluation report?---Yes.

20

And it came as a surprise to you when Triton got the job from that tender? ---Yes.

Who wrote the tender evaluation report?---I can't remember what the tender evaluation report for SAFF, it would have been my wife. I don't know, I can't – did you show me the tender evaluation report?

No, I'm asking you who wrote it?---I can't remember.

30

Well, did you write the tender evaluation report that was evaluating Triton? ---Yeah, no, no way.

Why, because that would be wrong?---No, because I wouldn't have been there.

What do you mean, you wouldn't have been there?---I wouldn't have been the one writing the report I think, no.

Why not?---I don't know.

40

It's your company?---Yes.

Your wife doesn't know anything about construction?---Ah hmm.

So why would you not have written it?---Because I think she was doing that, that part.

Did she have a chat to you about what she was writing?---No, I don't remember, no.

Well, again she didn't know anything about construction, right?---Yep.

Surely she would have had a chat to you about what she was putting in a tender evaluation report in relation to a construction job, did she?---I can't remember, no.

10 Do you say you had no input at all into the tender evaluation of this particular tender?---Yes, I believe I didn't

You had none?---I don't think so.

Why not?---I don't remember. I wasn't doing the project management.

Well, were you concerned to ensure that what was coming out of SAFF Projects was up to scratch?---Meaning what?

20 Well, this is a document isn't it that's been prepared by SAFF Projects, right?---Yes.

You're the owner of SAFF Projects. That's right?---Yes.

Did you want to make sure that documentation coming out of SAFF Projects was reasonably well done?---It's not something that crossed my mind, no.

30 Did your wife talk to you about who she was going to recommend to do the contract?---No. I don't know. No. But it's pretty obvious but I don't think we had a conversation.

It was pretty obvious wasn't it. You were of course always going to get the job, right?---I'm not sure.

Sorry?---Nothing is guaranteed.

40 THE COMMISSIONER: What, when your wife is doing the tender evaluation report and your sister-in-law is also on the project, you, you wouldn't have thought that that was a guarantee?---No, because I didn't know she was in the – she was going to be in the meeting.

Tell me what, what did you think was the purpose of the tender evaluation report, why would you, why would you have someone write a tender evaluation report?---To evaluate the companies tendering for the job or recommendations, whatever may be in the report.

Right. And the point about that is that it's not, it's not the person who's actually contracting for the work – in other words it's not Mr Andjic doing the tender evaluation it's meant to be a separate combination of people isn't it?---Yes.

And the reason for that is that you want an objective evaluation of the respective merits of the companies that are involved in the tender. Is that, is that right?---Yes.

10 Well, don't you think it's a bit of a problem having your wife on a Tender Evaluation Committee which is supposed to be at arm's length so that every company gets a fair assessment of the value of their, of their tender?---Yes, it wasn't fair.

It wasn't fair?---No.

MR BRADY: And Mr Andjic knew that your – that Fay Rouze was your wife didn't he?---No, she wasn't my wife.

20 He knew didn't he that she was your partner at the tie?---Possibly. You're going to have to ask him. He knew me and her – I don't know what time he, he knew, he realised that, no.

He knew that you were – that you knew Fatima?---At which point?

At the time this Tender Evaluation Committee is happening?---I'm not sure.

Now, the tax invoices that SAFF sent in for the Cessnock job who wrote those?---I did.

30 How did you work out what to put in them?---From advice off my wife.

Let me take you over if I can to 1205. So that's dated 13 March, 2013. You see that?---Ah hmm.

Now, let me ask you this, SAFF Projects has post box of PO Box 51 Manahan, New South Wales, right?---Yeah.

40 That's different than Triton's isn't it?---Yes.

Why?---Different companies.

Both owned by you?---Yes.

Why did you have different addresses?---To keep them separate.



To make it look like they weren't owned by the same person?---Not – no, they, they knew it was owned by the same person. To make it look like two different companies.

When you say they knew, Anthony Andjic knew?---Yes.

Anyone else in the Department as far as you're aware knew?---I have no idea.

10 Fatima obviously. Would that be right?---At a point she would have found out, yes.

When was that?---No idea.

Right. Anyway, you've filled this out have you?---From memory.

So the bill there as at 13 March, 2013 was for \$10,145. Do you see that? ---Yes.

20 A Cessnock site visit for nine point five hours, right?--- What?

That's right?---Yes.

And that came to you from Fay did it?---I can't remember where it came from.

Preparation of meeting minutes two hours. That's from Fay?---Not sure.

30 And administration works of 20 hours. What was that all about?---Don't remember.

Are you going to be able to answer any questions in relation to the invoices for SAFF with any clarity at all?---I'm not sure.

Well, let's go over to the next one. This is at 1523. That's another bill for SAFF, right?---Yes.

And that's for project manager costs of \$20,972. Do you see that?---Yeah.

40 That's for works associated with Cessnock Courthouse including tender review, tender report and other tender requirements. What was all of that? ---I don't know. I don't remember.

So in terms of the project managing of the Cessnock Courthouse and project managing Triton you were effectively doing that yourself, weren't you?---I don't know if that's fair to say. But I was doing most of the work.

Does that mean effectively you're just getting double payment by charging out SAFF as the project manager?---No. Because – not really.

So the next one at 12 June, 2013, that's 1,493. For \$7,062.50. See that?---No. Sorry, what was that?

Sorry, that's at 1493?---Yeah.

12 June, 2013, \$7,062.50?---Ah hmm.

10

Works associated with Cessnock Courthouse including a site visit, meeting minutes, incidentals of four units. How did you get to \$7,062.50 for that?---I can't answer.

THE COMMISSIONER: I beg your pardon?---I can't answer it. I don't know.

The effect of this is Mr Chacra that, that you're project managing yourself, aren't you?---In the case of Cessnock, yes.

20

And again, can I just ask you, you're understanding of project management and you've said this before is that you have someone who can independently assert that things were done on time on budget and with the requisite degree of quality. So it's meant to actually operate as a quality assurance process or a vetting process in respect of the building. Is that right?---Yes.

Well, again, it's meant to be an arm's length process but here you are effectively certifying yourself that you have done the work. Did you regard that process as fair or unfair?---It was fair because I was doing the best I could to ensure that the work was getting done correct.

30

MR BRADY: And Mr Andjic knew that you were effectively supervising yourself, didn't he?---No. I don't think that's a fair statement.

Well, he knew you were SAFF. Right?---Yes.

He knew you were Triton. Right?---Yes.

40

He knew you were supervising your own work. Right?---He knew that they're the same – owned by the same company, supervising is completely different. The companies were owned by the same person.

That one company owned by you was project managing the other company owned by you?---Yeah.

He knew that, didn't he?---Yes.

THE COMMISSIONER: And you and your wife were the only relevant people for those purposes?---Yes.

Right. Might leave it there today, Mr Brady. And we'll resume tomorrow at 10 o'clock. Thank you.

**THE WITNESS WITHDREW [4.29pm]**

10

**AT 4.29PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.29PM]**