

YANCEYPUB00466
29/06/2015

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pp 00466-00519

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION YANCEY

Reference: Operation E13/1916

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 29 JUNE, 2015

AT 2.01PM

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THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Yes, thank you, Commissioner. Just before lunch I was talking to you about the matrix, the selective provider selection matrix. You understand that?---Yes.

10 And that was a document that was used by Capital Works and Asset Management Branch in relation the selection of companies for contract?---Correct.

And in particular for project management?---Yes.

And was your understanding of that if the contract was worth less than \$50,000 then you didn't need three companies?---Correct.

20 If it was worth less than \$50,000 though it was still necessary wasn't it to go through the pre-qualified list of companies, right?---From memory not necessarily, no.

What I might do is might just show you this, 491. That's a service provider selector and matrix that you're talking about, right?---Yes.

It's this that you have been – sorry. When deciding to award the contract to Triton you had this in mind didn't you?---Ah, yes. The drafted copy of this, yes.

30 And that is between zero and \$50,000 for project management you only needed one as a minimum number of written quotes, right?---Correct.

And we can see that there, at the top line 0 to 50,000 project management, and then we go across, "Minimum number of written quotes, 1"?---Correct.

What we also see don't we is under the type of tender it says selective doesn't it?---Yes.

40 What we also see under the selection process we see New South Wales GPSC?---Yes.

That's right isn't it?---Yes.

What is New South Wales GPSC?---Government Procurement – I'm reading at the bottom – I don't know if off by heart so, yep.

All right. New South Wales Government Procurement System for Construction?---Yes.

Would that be fair to say?---Yes.

So what the selection, service provider selection matrix indicated is that for 0 to 50,000 you needed to go via the selective type of tender, right?---Yes.

With one minimum number of written quotes?---Yes.

10 And you still needed in the selection process to follow the New South Wales Government Procurement System for Construction, right?---That, that's what's stated here, yes.

You don't have any doubt that that's what it was at the time that you were doing this as well?---Not necessarily, no.

20 You're uncertain whether this was what you had at the time?---No. This was the process but not always was there the option to go to New South Wales Government Procurement – the Government system. We had our own internal one as well that we used.

THE COMMISSIONER: You mean you had an internal system that didn't conform with this one?---No. It's not that it didn't conform with it. It used the premise of this one as the basis of it so - - -

I'm not sure I understand?---Um - - -

30 Are you suggesting that you didn't comply with the matrix that's being shown to you?---Um, not that I didn't comply but there was the option for using other um, panels if need be, or independent agencies.

And where would we find that option referred to?---I think it was referred down to the bottom of this and it wasn't totally implemented as part of the project management and consultancy service of systems. Because this was when - when I was implemented this, this was a draft process. So the whole policy was a draft.

40 MR BRADY: Well it would be fair to say this, wouldn't it, that the New South Wales Procurement System for Construction wasn't a draft policy, was it?---Not the Public Works or whatever the agency that – the Department of Finance Services.

All right. The selective tendering process requires you to go to the pre-qualified list of service providers, doesn't it?---Not always, no.

Why not?---There was the option like I said before for us to utilise other Government agencies if need be or independent agencies accordingly.

THE COMMISSIONER: Well that was the second time you've said that. Mr Brady's question was the selective tendering process required you to do such and such, you're saying, no, not necessarily. Well where is it in that selective tendering process that we can see some indication that there is a choice or an option in certain circumstances?---Not in this, um - - -

Well where would it be, where would it be written down?---I can't recall where it was written down but - - -

10 Well where did you, where did you obtain that impression from?---
Originally it was from the draft Policies and Procedures that were being implemented. That's where it had it, in there.

What draft Policies and Procedures?---Ah, it was before my time when it was being instigated so it was part of that process that I took on board.

Well, where, sorry. Who showed you this and where did you - - -?---Ah, sorry.

20 - - - receive that information from?---Within the Department, sorry. It was a departmental one. And it was provided to me upon my engagement.

By whom?---By I believe it was the procurement manager at the time or the director at the time, I can't recall exactly who it was.

MR BRADY: So in what circumstances do you say you were entitled to go outside the pre-qualified list?---Well the circumstances varied depending on the project or whatever it might - there was submissions that were undertaken that were considered extenuating circumstances or thereabouts.
30 It depended on, on the project, project by project basis.
Well you've mentioned one there, extenuating circumstances?---Yes.

What other circumstances were you entitled to go outside the pre-qualified list?---Economies of Scale.

Right. Economies of Scale?---Yes.

Right. What other circumstances?---Other circumstances, if there was no one available within that area or the region.
40

No one available within the area or the region?---Yes.

So we have three there, what else?---If parties within the actual pre-qualified list are not interested in the whole process.

That is if you can't get someone from that list?---Correct, yes.

All right. What else?---Um, there's other factors as well but they're the, they're the fundamentals.

Because can I take you over to page 535. This is just the New South Wales Government Procurement Guidelines, tendering guidelines as of December, 2011. Do you understand that?---Yes.

Do you see what it refers to in relation to selective tendering?---Yes.

10 The first stage of selective tendering is to establish a list of pre-qualified service providers?---Yes.

Capable of undertaking contracts for a particular program or category of works, products or services?---Yeah.

Do you see that?---Yes.

20 Part of the selective tendering process is to use the list of pre-qualified service providers, isn't it?---Yes. But where does that list come from?

It mentions further down, in the second stage tenders are sought for a particular contract from a limited number of those pre-qualified as far as practical and except for the very small contracts or in special cases at least three tenderers from the relevant pre-qualified list should be invited in order to provide reasonable competition. Do you see that?---Ah hmm.

And that should be the approach generally, shouldn't it?---Generally, yes.

30 Other than in those specific circumstances that you talked about?---Correct.

Can I go over then to 576. Now this is the New South Wales Government Procurement System for Construction Tendering Planning. Do you understand that?---Yes.

Do you see there at 576 it talks about the tender method, selective tenders are to be called using a panel of project managers pre-qualified under the consultant pre-qualification scheme?---Yes.

40 Managed by Commerce. Do you see that?---Yes.

The purpose of the selected tender is to go to the pre-qualified list. Right?--
-For this instances, yes.

Well, you will see that that's tendering planning for project management services engagement. You see at the top?---Yes.

So for project management we've already indicated haven't we in your matrix that it should be the selective tendering scheme, right?---Yes.

The selective tenders are to be called using a panel of project managers prequalified, right?---Yes.

10 What's the circumstances in which that wouldn't occur?---This is a New South Wales Public Works or whatever they're called procedures and policies. We had our own internal procedures and policies for works valued less than \$1 million and the likes. We developed it ourselves, well, ourselves, me and the Department developed it according – which differed slightly to this.

It still required didn't it you to go to the prequalified list of project managers, right?---Not always.

When you say not always, if it fell in one of those circumstances you talked about before, right?---Ah hmm.

Is that right?---Correct. Yes.

20 Can I take you if I can to page 539. It says again the New South Wales Government Procurement Guidelines. You understand that?---Yes.

You talked about the fact that Triton were done under direct negotiation, right?---Yes.

Does it say there “Direct negotiation. Special circumstances may warrant entering into direct negotiations with a single selected service provider without any prior competitive tendering process.” Do you see that?---Yes.

30 “Such an approach requires high level authorisation and should only be used in clear and unambiguous circumstances that indicate such direct negotiation will result in the best value for money outcome for Government.” Do you see that?---Yes.

That's the approach you used when Triton was engaged, right?---Yes.

What were the special circumstances?---For the project management side of things?

40 Yeah?---Basically Public Works got pulled off the job and we had to make sure that the project was going to be delivered within the financial year and so we had to expedite the fact to get a project manager on board and that's the extenuating circumstances came into play.

You had already been hadn't you through Kerrie Kent provided with a list of the prequalified companies?---I don't recall.

What would have stopped you from going and getting a list of the prequalified companies?---Timing.

How long would it take for you to get a list of the prequalified companies from Commerce?---It sometimes varies because it depends on their availability as well. Sometimes it could be within a few days, it could be within a few weeks.

10 THE COMMISSIONER: Sorry, do you mean just getting a look at the list?
---Yes. Correct.

Well, wouldn't the list have been available – I mean you were, you were the assistant director of Capital Works?---It doesn't - - -

You would have seen the list on many occasions wouldn't you ?---Yeah, but then for every project that you're involved in you have to go back to Department of Finance and Services to a get a list for that area and that region and the likes because it changes. Their, their list changes.

20 Well, yes, but we're dealing with one area at the moment. We're just talking about the project management - - -?---Yeah.

- - - that Triton did in the Camden/Picton area.?---Yes.

Well, once you saw the list - - -?---I don't recall seeing a list, no.

Well, no, I'm just assuming - - -?---Oh, sorry.

30 - - - whether it took one hour or two days, once you saw the list it would be relatively easy to then find out which, if any, of those companies were available to do that work?---Yes, by ringing around and finding out, yes.

Right.

MR BRADY: And no doubt you had other prequalified contractors for project management working on other contracts for the Department - - -?
---Correct. Yes.

40 That you could have got on the phone to pretty much straightaway?---Yes.

Can I take you to 659. Do you see that's an email from Kerrie Kent to Larry Bailey?---Yes.

Tendering for a project manager using the selective tender process for works on Camden and Picton Courthouses?---Correct.

“Would you kindly forward me a list of contractors that are pre-qualified”?
---Yes.

Do you see that?---Yes.

And that's sent by Kerrie Kent on 12 July, 2012?---Yes.

Do you see Mr Tucker replies the following day on 13 July, 2012? You just need to go back one page, 658. Go down. Sorry, go back one page. See at the bottom there, Brian Tucker - - -?---Yes.

10 - - - in the box?---Ah hmm.

The very next day replying, "Kerrie, could you please complete the attached form and return and I'll forward the listing"?---Yes.

Ms Kent does that on the 13th. Do you see that?---Yes.

And Mr Tucker replies with the list on the 16th. Do you see that?---Yes. Yes.

20 The 13 July, 2012 was a Friday. Do you accept that?---I, I don't know. Without seeing a calendar I accept it.

And 16 July, 2012 was a Monday?---Yes.

So effectively replying by the next business day - - -?---Yes.

- - - with the list?---Yes.

30 That's how hard it was, right?---Well, it's their process. You have to ask them.

Well, you can see can't you that's how hard it was, right?---Yep.

And this in fact was for this particular project wasn't it?---Yes.

So you already had a list for this particular project?---In July the following, the previous year, yes.

40 Could you not have used that list?---Possibly. But we went with the single select service of Public Works.

I'm talking about once you decided to get rid of Public Works?---No, because this email was prior to actually us engaging Public Works as well.

Well why couldn't you have gone to them and said can you just send us through an updated list?---We could have.

Why didn't you?---Probably at the time we just considered getting opportunity for other companies. I don't know.

So - - -

THE COMMISSIONER: It wasn't companies plural, it was just one in particular?---Oh, for that, for that project, yes. One company in particular. For other projects there was other companies.

10 MR BRADY: Do you suggest do you that you were giving other companies a go that weren't on the pre-qualified list?---Um, yes.

Who?---I don't recall their names. Um, there were like, some construction companies that were outside of the pre-qualification list that were invited to tender. Um, I, honestly I can't recall those companies.

Inviting to tender and giving a contract to a company on a direct negotiation is a bit different though isn't it?---Oh, it is.

20 So when you gave the contract, and you accept you gave the contract to Triton, right?---Yes.

When you gave the contract to Triton Group what did you know about them?---Ah, technically or professionally?

Anything?---Anything. Well I'd dealt with them on previous projects.

Which previous projects?---Um, they did some works I believe for Blacktown Courthouse.

30 All right?---They did, they were doing some, they were doing other works as well like, a range of courthouses.

When you decided to give them the project management job for Picton and Camden do you say they were doing a range of courthouse projects?---I can't recall the dates or the times. Sorry, I just, I don't know exactly but I know I've, I've dealt with them in the past.

40 I'm not interested in dates and times. I'm just interested in whether prior to giving them the Picton and Camden project management service, contract do you say you had dealt with them?---Personally?

Yes?---Because it's part of my program I say yes.

When you say part of your program what have they done for the Department before you gave them the contract for Picton and Camden?---Again I'll say I believe it was Blacktown.

That's it?---I can't recall if there was others. I can't pick the timings.

You mean you don't know today what they'd done for the Department before you gave them a direct negotiated contract for project management?--

-No, I knew of the Blacktown project. I knew that were, they were associated with the Tamworth project as well. Um - - -

THE COMMISSIONER: How did you - - -

10 MR BRADY: And you say it's - - -

THE COMMISSIONER: How did you come by that information?---Well, the Blacktown project is one of my team members was project managing them and they were relaying the information through to me in that respect.

Can I stop you there in relation to the Blacktown?---Yes.

20 That was for a bit of soundproofing, right?---Ah, soundproofing and managing, project managing architectural design for that soundproofing. Or an acoustic design.

That was a project worth about \$10,000 or less wasn't it?---At that point in time for that component. But there was a larger component that was going to be considered.

At the time that you're giving them the Camden/Picton project they'd done work for the Department worth less than \$10,000, right?---I don't recall the exact amount.

30 You know it was about that though don't you?---Well, for one project, possible.

Right. So apart from this Blacktown soundproofing what else did you know about this company?---Ah, I knew, well basically what they've told me as well in regards to their experiences.

All right. When you say what they told me - - -?---Well - - -

40 - - - who told you?---The contractor. Shadi.

Okay.

THE COMMISSIONER: You mean what he told you verbally?---Verbally, yeah.

Did he ever submit any documents such as portfolio of other works or - - -?--There, there was a portfolio that was provided. Um, I don't recall what

was in it but it did provide me an indication of what they've done in the past.

MR BRADY: When did you get that?---It was very early in the piece when I met him.

When did you meet him?---It was late 2012 I believe.

10 In what circumstances did you meet him?---Ah, it was relating to a tender that was going to happen in Tamworth.

A tender that didn't happen until April, 2013, is that right?---Correct. Yes.

So they hadn't done any work on the Tamworth project before you gave them the Picton project, right?---Um, not as far as I'm aware, no.

How did you come to know Shadi?---How did I come to know him?

20 Yeah?---I met him during the course of the projects.

How?---How?

Yeah?---The first meeting is that - - -

Yeah?---Met him at the airport.

Which airport?---Sydney airport.

30 In what circumstances?---Going to Tamworth.

How did he – you mean to do a tender for this Tamworth job?---Pre-tender meeting, yes.

Right. How did he get to be selected to do a pre-tender meeting for the Tamworth project?---He, there was a cold call from him in regards to seeking opportunities and I said okay, there's an opportunity to do a project out at Tamworth.

40 A cold call from him to you?---Yes.

Seeking opportunities to work for the Government?---Correct.

Doing contract work?---Correct.

At the time you were talking about the Tamworth project - - -?---Correct.

- - - it was looking at about \$75,000 worth, right?---Oh, don't know the figures but if that's the case, yes.

Why didn't you tell this person who cold called you what you really need to do is you really need to go on the pre-qualified list?---For that project we didn't need to have a pre-qualified list.

Why didn't you tell this person who cold called you wanting Government work you really need to go on the pre-qualified list to get Government work?---It didn't cross my mind.

- 10 What do you mean it didn't cross your mind?---Not everyone has to be on a pre-qualified list.

The way to go about getting Government work as a regular source of work is to get on the pre-qualified list isn't it?---Not necessarily.

What is the purpose of the pre-qualified list?---The pre-qualified list it puts into, from what I understand, puts into perspective ah, organisation both financial, in accordance with the ISO standards and the likes to make sure that the, that the actual organisation is capable of undertaking the works.

20

To make sure they know what they're doing?---Yes.

To make sure they're a viable company?---Correct.

And to give a list of figures in terms of what they're pre-qualified up to, right?---Correct. But it's not necessary, you don't have to use that pre-qualified all the time.

- 30 Why in the world wouldn't you use the pre-qualified list if these are companies that have been checked to make sure that they can undertake the work?---Okay, with regards to Tamworth – do you want me to give an example or - - -

By all means?---Okay. With regards to Tamworth I rang up the Department of Finance and Services to ask them about the project. They said because of the value of the project and the complexities that it was minor, you can use anyone you want.

- 40 THE COMMISSIONER: But they might have meant anyone you want from the prequalified list?---No. I asked, I specifically asked for a prequalified list and they said no, you don't have to use this for the prequalifications.

Is Tamworth Courthouse heritage listed?---No, not as far as I'm aware.

And you say what, the renovations were about what, \$70,000?---I don't know the figures but it was under 100,000, yes.

And, so under 100,000. Were these renovations to the actual courthouse, the hearing room and the, in the rooms around the hearing room?---No. It was an actual building of a new room within the foyer of the – public foyer just outside the courtrooms relating to a domestic violence room or a safe room.

MR BRADY: So by the time you're giving the Picton/Camden project management job to Triton Group that project in Tamworth had not started had it?---Not that I'm aware, no.

10

What then led you to decide to give this job, the project management of Camden and Picton to Triton Group?---Based on their portfolio that they provided me in terms of what they've done, the experiences associated with Blacktown, the services that were provided for that, just it was a natural progression in that respect.

You see, the services they provided at Blacktown was construction, right? ---Not just construction, no.

20

What, they had to project manage the removal of a wall and putting up a handrail?---No, that, that's the construction side of things but in terms of the actual project it was a design and construct related project.

It wasn't a three or \$400,000 project on a heritage listed court though was it?---No.

So you say their performance in Blacktown and a profile given to you led you to the conclusion to directly negotiate with them giving them the project management job at Picton and Camden?---That's correct.

30

In charge of a heritage listed courts, right?---Yes.

Construction worth many hundreds of thousands of dollars?---Correct.

What research did you do yourself in relation to Triton?---None.

Why not?---I don't do it. I normally don't do it.

40

You normally don't do it because you use companies from a prequalified list, right?---No, not necessarily.

You had no – did no research into this company that you gave the project management job in relation to a construction worth many hundreds of thousands a of dollars?---No.

Why not?---I didn't feel there was a need to.

Why not?---Because I took everything at face value.

Why?---Because that's the way I did it. Just because I did analysis I don't do it for any other project either.

THE COMMISSIONER: Mr Andjic, you were the assistant director of Capital Works?---Yes.

10 Do you mean to say to me that if the Department needed to undertake extensive renovations to let's say the King Street complex which is the oldest known continuously operating courthouse in Australia - - -?---Yes.

- - - with very, very sensitive heritage values and someone cold called you and said I've done all this work, I can do the project management, you would make absolutely no inquiries and you would take that assertion at face value. Is that what you're saying?---Yes, that's correct.

Are you serious?---Yes, I am serious.

20 How did you get to be assistant director Capital Works if that was your attitude throughout your entire working life with the Department?---I can - - -

Sorry, that's a rhetorical question?---Yeah.

Go on, Mr Brady.

30 MR BRADY: How many other companies who cold called you did you give project management jobs to, the heritage listed courthouses that were hundreds of thousands of dollars?---There was probably no other ones.

Just Triton?---For that purpose, yes.

And SAFF?---Yes. Oh, just for Camden and Picton, is that what you're talking about, or generally?

Generally?---Generally, no, there was probably others?

Who, give us some names?---Um, I don't recall any names now but - - -

40 Give us a name of another company that cold called you and you decided to give them a project management job over a heritage listed courthouse worth hundreds of thousands of dollars?---I can't recall.

Just one other company?---I don't recall the company names. Honest, I don't.

You are not seriously suggesting, are you, that you've given another company other than Triton and SAFF a project management job over a

heritage listed courthouse worth hundreds of thousands of dollars on a cold call?---Possibly.

There's a difference between possibly and you have, isn't there?---I might have, I can't recall the project. I can't – I don't know the names of some of these companies.

Did you make some enquiries at least to see how long Triton Group had been up and running?---No.

10

Why not?---I don't do it. I generally didn't do any of that.

So for all you know Triton had only been up and running for less than a year?---I don't know.

THE COMMISSIONER: Well for all you know Triton could've been in receivership and absolutely incapable of undertaking any project without raising the risk that the Department couldn't recover if they had somehow failed to do the work?---Possible.

20

MR BRADY: And it was just complete and utter coincidence, was it, that the guy who owned Triton was the partner of Fatima Hammoud's sister?---At that time, yes.

Complete and utter coincidence that he was the partner of the sister of the woman that you had been flirting with by that stage for some eight months?--Yes.

Had been sending emails to on a regular basis. Right?---Yes.

30

Had been texting regularly?---Yes.

And was interested in romantically?---Yes.

And it was just coincidence that you decided to give this project management job to this company?---The opportunity was there for it to be given, yes.

40 No. I simply asked you it's a complete coincidence that you then gave the project management job to this company?---Yes.

And complete coincidence you gave the project management job to this company without making a single inquiry - - -?---Correct. I didn't make - - -

- - - about whether the company was up to the job?---Correct.

THE COMMISSIONER: It must have come as a dreadful shock to you when you found out who Mr Chacra was?---It didn't come as a complete shock like in terms of, ah, just generally, I said, ah, okay, we'll have to declare it accordingly.

MR BRADY: Did it not suddenly make you think, oh, my God, I've given this direct contract to this company I don't know anything about and it turns out that Fatima's sister is the partner of the guy who owns it? Did that not –
10 your role as assistant director for Asset Management Branch?---It did and I approached my manager accordingly in that respect.

I'll come to that in a moment. When you say your manager accordingly in that respect, you mean Mr Maslen?---Correct.

I'll come back to that in a moment then. Now did you find out that Mr Chacra had only become a licensed builder the year before you gave him this project management job over a heritage listed courthouse?---I only
20 found that out during this inquiry.

Why? Why did you only find that out during this inquiry?---Because I didn't chase it up. I never did.

Whose decision was it to use Triton?---It was a collective decision.

Whose collective decision to use Triton?---Myself and the project officer in charge.

Who was the project officer in charge?---It was Kerrie Kent at the time.
30

What role do you say that Kerrie Kent had in choosing Triton?---There was a recommendation put forward to me and I said "Yes, okay, go for it".

Do you say that Kerrie Kent recommended Triton to you?---I believe so, from memory with consultation with me.

Do you - - -

THE COMMISSIONER: Well sorry, sorry. You said someone, you said a recommendation was put forward, by whom?---By Kerrie Kent.
40

MR BRADY: So do you say that Kerrie Kent recommended Triton to you?--I don't recall the actual wording or the likes or how it was undertaken but that was the final - - -

THE COMMISSIONER: But look, Mr Andjic, you have to appreciate that we ask questions that we attempt to frame reasonably clearly so that we elicit a clear response and a minute ago you said that a recommendation was put forward. I asked by whom. You said Kerrie Kent. Now, Kerrie Kent,

according to you recommended Triton and I'm assuming that that was done by way of some documentary submission. Am I right about that?---I believe there was some documents put into place, yes.

10 And it was Kerrie Kent that recommended Triton. So what information did she give you about Triton that supported that recommendation?---She provided me that information through a submission um, that came directly to me. In that respect we consulted accordingly um, prior to that submission being written up whereby what was the phase of the project in regards to it, and then there was a recommendation I believe that from, I'm going through recollection here um, that the phone call was conducted between Kerrie and Triton. I'm not 100 per cent sure. And that's where it eventuated from that and the conference between myself and Kerrie happened and then we said all right, put it all into formalisation.

20 Right. Stop right there. Now you're saying that Ms Kent had a conversation with Mr Chacra. Did that conversation predate the conversation that you had with him or was it sometime after the conversation you had with him?---In regards to, sorry, with him?

We're talking about the recommendation that Ms Kent put forward to you?--Yes.

You said that there was a conversation as you understood it between Ms Kent and Mr Chacra - - -?---Yes.

- - - that then resulted in a discussion between you and Ms Kent and then a recommendation going forward that Triton be appointed?---Correct.

30 Have I got it right so far?---Yes. Yes.

All right. What information did Ms Kent provide to you as a result of that phone conversation she had that persuaded each of you, both of you that the recommendation could go forward?---I'm working off memory here. Um, the recommendation for the submission, is that what you're implying or - - -

The recommendation that Triton be engaged?---For - - -

40 What information did she give you?---A submission that, that had to be signed, and as well as a fee proposal, in that respect.

And I say again what information was contained in the submission that persuaded both of you that Triton should be engaged?---The information was based on the project, the program of the works that needed to be undertaken um, the delivery of the project, in that respect, the timings - - -

Yes, it was all based on that?---Yes.

I understand that. What information about Triton's capacity to undertake that project was provided to you?---The fee proposal.

That's all?---That's all.

Just the fee proposal?---Just the fee proposal.

Nothing about their experience?---No, because I knew of their experience anyway from their portfolio.

10

All right. So I just want to make sure I understand this. Nothing about their experience, nothing about the length of time they'd been - - -?---No.

- - - operating as a company?---Not as far as I recall, no.

All right. Nothing about previous projects of a similar scale that they'd undertaken?---Apart from the portfolio, not within that, for that project itself, no.

20

All right. Nothing about ever having worked on heritage listed buildings?---Not that I recall.

So just the fee proposal, that was it?---I believe so, yes.

So it was just a case of we can do it for this money, bang, bang?---Yes.
That's - - -

Right?---That's it.

30

MR BRADY: What was in their portfolio?---I've seen many portfolios and it's all, they're all pretty much the same. This is who we are, this is what we've done, this is how we can provide you with the services.

Well what was it within their portfolio that led you to the conclusion they're going to be able to project manage a heritage listed building for many hundreds of thousands of dollars?---Oh, just their methodology associated with project managing other projects that they've had in the past.

40

Such as what?---Oh, I don't recall 100 per cent what it was. Um, it was probably related to oh, what was it, housing I think it was and um, some private works that they've undertaken. Um, I don't know the name of those private works.

You mean residential?---Not just residential, there was other commercial projects in there as well.

And you didn't check any of those to see if they'd actually done them?---No.

Because that wasn't your policy?---No.

You didn't care?---It's not that I didn't care, it's I took it on face value.

You're giving contracts for the Government, right?---Correct, yes.

You're trying to ensure that you do the right thing by the Government in the job that you had?---As much as I could, yes.

10

Would be – that would include, wouldn't it, ensuring that the company that is actually getting the job knows how to do the job?---Ah, yes.

Are you uncertain about that?---Not that I'm uncertain. If they provide me with information that can justify that they can deliver it, I take it on face value accordingly.

20

THE COMMISSIONER: Mr Andjic, a moment ago, I hate to keep coming back to this. But a moment ago you said in answer to Mr Brady "That you were in the position of having to provide the Government with value for money. Your answer was "As much as I could"?---To my capacity, yes.

And so the extent of your capacity was simply relying upon what someone said to you and as you put it, taking it at face value?---Yeah. If they put a - - -

30

Are you suggesting that that was the sum total of what you were actually able to do to ensure that you were not letting this contract to somebody who was incapable of doing it?---That's pretty – on face value, yes. That's - - -

And you say that's the extent of your capacity?---Well for that, for that intent, yes.

MR BRADY: Do you say that when you gave them the job it had anything to do with their performance at Tamworth?---I don't – the timings I don't recall in that respect but I know that I dealt with them with Tamworth so I had an understanding of who they were in that respect. So I didn't necessarily mean that they actually worked at Tamworth at that time.

40

So it wasn't because of the works they did at Tamworth because they over – basically did the whole construction and project side of things. It wasn't because of that that you gave them the job?---I don't believe that was it because I think the timing for that was later than Camden and Picton as far as I remember. I can't remember.

If I may make an application to go to a transcript, if the Commissioner, pleases?

THE COMMISSIONER: Yes. What date?

MR BRADY: The 23 April, 2015.

THE COMMISSIONER: Yes. The suppression of that part of the transcript forming the basis of the following questions of the transcript of 23 April, is varied to that extent.

10 MR BRADY: I might just get you a copy of the transcript because there's a couple of things I need to put to you?---Thank you.

Can I take you initially to page 39. In fact I'll take you back to 38 just to confirm with you that we're talking about the project management job that you gave to Triton in relation to Camden. Do you see there you're talking about the fact that Public Works were removed because their services were unacceptable and you see that at line 10?---Yes.

20 Okay. Now go over to 39 just to confirm that we're still talking about the same thing. At line 18, Mr Collins, you've explained they're unacceptable because they didn't do the job. So correct?---Yes.

You go onto what job they failed to do. Do you appreciate that?---Yes.

And talk about the fact that they were pulled off the job?---Yes.

You understand that?---Yes.

30 And we go over to page 40. See there we're talking about it being a collective decision to remove them?---Ah hmm.

Right?---Yes.

So we're still talking about the Camden job?---Yes.

And then over at 41 you're talking about appointing the Triton Group. Do you see that?---Yes.

That's in relation to the Camden job, right?---Yes.

40 And you say that we've managed to do that because the project management was worth less than 50,000, right?---Yes.

So you decided to do a direct appointment, right?---Correct.

Do you see there Mr Collins ask you this, "What did you know about them at the time of their appointment?" You said this, "Um, I'd, I dealt with them on a project in far north of New South Wales. I don't recall, I think it was Tamworth"?---Mmm.

See that?---Yes.

Mr Collins says, “Tamworth?” You said, “Yes.” You were asked what was the project. “That was a secure room or a safe room.” See that?---Yes.

We’re talking about aren’t we the – or you’re talking about aren’t you the job at Tamworth?---Correct.

10 You’re talking about at that stage being aware of them because of the project in north west New South Wales, that is the Tamworth project, right?---That’s how I got to know Triton Group, yes.

Was that something that then led you to give them this job?---Camden and Picton?

Yeah?---It wasn’t just that. I dealt with them direct so – but it was also all the other factors that I’ve explained earlier.

20 You see, by the time you’re giving them the Camden/Picton job they had not done anything for Tamworth except attend a tender site meeting, right? ---Correct. Yes.

Can I take you over if I could to page 42. You will see Mr Collins is stalking about the safe room in Tamworth, right?---Yes.

It goes, down the bottom he says, “I don’t imagine that’s a terribly complicated job?” You said, “No, it wasn’t, no.” Do you see that at 40? ---Yes.

30 “There would have been lots of project managers that you would know through your three or four years at AMB by this time?” “Ah hmm,” you say?---Yeah.

40 “You would have known a lot of project managers?” Said, “Yes.” Said, “Some of them you might have engaged?” You said, “Yes.” And then Mr Collins asked you this, “Why pick this one, these builders for the project management of an upgrade to the courthouses? Why would you pick this one of all the others that you would know what made them stand out?” Do you understand that?---Yes.

That’s what Mr Collins is asking, right?---Ah hmm.

And that’s in relation to the Camden/Picton Courthouse, right?---Correct.

And this is what you say, “Because of the works that they did at Tamworth, because they over – basically did the whole construction and project side of things and so based on that experience I said, wow, this is fantastic and I

then sat down with the Registrar and asked them in regards to their services and just at that time.” Do you see that’s what you answered when you were being asked by Mr Collins - - -?---Yes.

- - - why you picked the Triton Group to do this contract as project management for the Camden/Picton Courthouse?---Yes.

10 Well, that is just blatantly untrue isn’t it?---I – it’s not untrue. What I – I probably got confused by dates and times and the likes because there was a fair bit going on at the time so – but I believe – I know my first interaction was with them at Tamworth but I can’t recall – like now I’m looking at this I might have to retract that because that was probably a wrong answer from my part in terms of timing.

You see, forget about the timing just let’s look at the reason you say that you gave this untried, untested company - - -?---Mmm.

20 - - - the project management job at Camden/Picton. You say you gave it to them because you were wowed by the job they did at Tamworth. That’s what you said isn’t it?---Maybe I was confusing Tamworth with Blacktown.

30 THE COMMISSIONER: Mr Andjic, please if might be appropriate for you to just glance if you could over the questions and answers that precede this one, particularly the previous page because this question is revisited a number of times. You’ll see about the middle of the – about a third of the way down the previous page question, “Was that the only thing that you knew about them, that they built the safe room, that they build the safe room in Tamworth? I just want to clarify did you know of them having a general reputation or a track record?” Answer, “No.” And then there’s the questions about safe rooms. There would have been a lot of project managers that you knew at the time. Then comes your answer to the question that Mr Brady has just taken you to at the top of page – of that following page?---Mmm.

All the way through this line of questioning you are answering on the basis that it was Triton Group who had actually undertaken work at Tamworth weren’t you?---The works were done by Triton Group at Tamworth, yes.

40 No, no, no, no?---Oh, sorry.

All the way through this line of questioning you are answering the questions on the basis that you chose Triton because of the works they’d undertaken at Tamworth?---Based on this, yes. I, I, and I, I said earlier I probably was mistaken in terms of the timing relating to the project.

But it’s not a question of timing?---Ah hmm.

No, it’s not?---Oh, okay. Sorry.

Well, it's obvious isn't it, you were being asked what your underlying motivation was for choosing Triton. You weren't being asked about timing?---Yes.

You were being asked why this particular builder out of everyone in New South Wales who might want to do Government work why this firm?---Yes.

10 And you said because it's what they did at Tamworth. That's just wrong isn't it?---This part, yes, I apologise, in that respect.

MR BRADY: You see, you then go on at page - - -

THE COMMISSIONER: Sorry, Mr Brady. There's someone - - -

MR STEWART: Yeah, Commissioner, Stewart, solicitor for Ms Kent.

THE COMMISSIONER: Yes.

20 MR STEWART: Bearing in mind though the evidence this witness has given in relation then I seek leave to access to the - - -

THE COMMISSIONER: Yes, you have that leave. Thank you.

MR STEWART: Thank you, Commissioner.

THE COMMISSIONER: Yes, Mr Brady.

30 MR BRADY: Because then it goes on and says this doesn't it, talking about how you justified giving them the contract when they weren't on the pre-qualification list?---Ah hmm.

Do you see that?---Um, sorry, where?

So do you see at line 22 - - -?---Of page, sorry?

Sorry, the same, sorry, page 43?---Yes. Sorry. Yep.

40 You said, "Oh, it's just we didn't - it wasn't common practice for us to justify anyone's pre-qualifications and the likes." I'm not sure what that means but there you go, that's a line 22. Do you see?---Yes. Yes.

Mr Collins then asks you this, "Well you'd have to justify it to yourself." Do you see that?---Yes.

And what he's talking about is that you giving this contract to Triton as a project manager, right?---Yes.

And you said, "Yes, I justified myself," right?---Yeah.

You were then asked this, "What was it, what was it that made them stand out to you?" And you said, "Ah, the project itself." And Mr Collins just confirms, "That's what I mean, just the job they did in Tamworth building a safe room." And you said, "Yes"?---Ah hmm.

10 You're confirming there again you say you gave this job to Triton Group because they'd done such a good job on the safe room at Tamworth, right?--
-Yes. Like I said, oh sorry, yes, go on.

They hadn't done the job on the safe room at Tamworth by then had they?--
-No.

THE COMMISSIONER: Well then all of that's just a fabrication isn't it, Mr Andjic? I have to state the bleeding obvious, it was all just a lie wasn't it?---No, it wasn't a lie. Going further back - - -

20 All right. All right. I've put it - - -?---Sorry.

And I think you need to go on. Yes, Mr Brady.

MR BRADY: Yes, thank you your Honour. Well, because you then go on to change tack within there as well don't you?---Where, sorry.

30 Let me show you. At line 32 Mr Collins says, "Over all the other possibly project managers that you could have selected whose work you knew that you had selected in the past," and you say this to him, "But I, yeah, but I didn't chose them for the project management at Camden and Picton. I want to make that," and no doubt you were going to go on to see clear, right?---Not necessarily.

All right. Anyway, Mr Collins says, "Who did that?" And you said, "Kerrie Kent did"?---And again I'll reiterate the fact that it was myself and her conferred together in regards to it.

40 Well see, what you go on to say is this, don't you – Mr Collins says, "Kerrie Kent?" And you said, "Yes." And he's about to ask a question, "So Kerrie," you said, "She came to me and said they seem like a reputable organisation. I said okay." Do you see that?---Yes.

You're asked by Mr Collins, "Well how would she know about them?" And you then reference that back to the Tamworth job they did, right?--- Yeah, but like I said I'm confused with dates and times and projects.

"She saw Tamworth as well because it's open, open like the whole floor is open to the whole of that"?---Ah hmm.

What you're saying there is that not only did Kerrie Kent come to you and say they look like a reputable organisation but she did that on the back of having seen the Tamworth project, right?---Not necessarily. Like I said I don't know, in that respect.

THE COMMISSIONER: Sorry, you don't know what in what respect?---With the timings of that. It was, I can't recall if it was Tamworth, Blacktown, I don't know in that respect. You're going to have to clarify that.

10

What, you mean you said Tamworth instead of saying Blacktown?---I'm not sure. I don't recall the conversation.

MR BRADY: Blacktown didn't involve a safe room did it?---Um, no.

There's no doubt when you're referring to the safe room you're talking about the Tamworth job aren't you?---Yes, definitely.

20

You see, do you say that Kerrie Kent did all the background works in terms of assessing Triton?---I don't think background works like, you'd have to ask her that. But in respect to um, I believe that she got called up by the group.

You see, at page 44 you were asked this in relation to Kerrie Kent, "I'm sorry, what was her, her part of the decision based on to your knowledge?" And you said this, "She did, she did all of the background works in terms of Triton?"---Well - - -

30

That's what you said isn't it?---Not the background works like, in terms of the background works associated - - -

First, did you say that?---On here, yes I did.

You said, "Kerrie Kent did all the background works in terms of Triton," right? That's what you said?---I believe so, yes.

40

Well, was that wrong?---Not wrong. The background works relating to the project was relating to actually getting all the fundamentals to get the project manager on-board. That's background works. That's what I was referring to.

So when you said, "She did, she did all of the background works in terms of Triton" - - -?---Yes.

- - - you don't mean background works in terms of Triton?---Not checks. I don't believe it's checks. I believe the background works I meant at that time was relating to putting the paperwork together and everything like that to get it to the next stage.

You then said this, "And then came up to me and says 'I want this as a project manager. Can you approve them accordingly.'" That's what you said isn't it?---Well that's what I said, yes.

You're saying there aren't you that it was Kerrie Kent's choice to have Triton and simply asking for your approval, right?---It wasn't wholly her choice, no.

10 Do you say it was partly her choice?---There was, there was between the two of us, yes.

Well who first raised the prospect of having Triton doing this?---Um, bear with me, I'm trying to get back there. I believe it was Kerrie approaching me in that respect.

Kerrie Kent approached you wanting Triton as the project manager for Camden/Picton, is that what you say?---I believe so, from memory, yes.

20 Well, think about it for me. This is the first time you've used Triton Group as a project manager, right?---Yes.

And in fact the first time you've used them, right?---On a project?

Yes?---I don't know if it's the first time we used them on a project.

All right?---As a project manager, yes.

30 This company that had initially cold called you, right?---Yes.

Think about who it was that decided that you were going, well sorry, think about who it was that first suggested Triton Group for this project?---I can't recall if it was Kerrie directly coming to me or if it was a conversation that we had together and say yep, we'll go with them.

Kerrie Kent, was she involved in the Blacktown job?---No.

Well how'd she know about them?---She got the phone call from them.

40 She got the phone call from whom?---I believe she got the phone call from Triton.

This cold call that was made?---I believe so, yes.

So Kerrie Kent got the cold call from Triton and then what passed it on to you?---No. No, no, no, no. No, that's not the case.

So Kerrie Kent got a cold call and you got a cold call?---Yes, I had a cold call well before Camden and Picton though.

THE COMMISSIONER: But earlier on you gave evidence that you received a cold call from Shadi Chacra?---Correct.

Who was seeking opportunities in the Government's sphere and you said "Well, there's a project at Tamworth coming up and let me tell you about it"?---Yes.

10

So you said you'd got a call from Mr Chacra - - -?---Correct.

- - - before Tamworth?---Yes.

What and he independently cold called Kerrie Kent as well, did he?---I believe so. You have to confirm it with Kerrie. I can't answer that question.

20 So he cold-called two people in the Department and spoke to you individually without you knowing about the other?---I don't know.

All right.

MR BRADY: Mr Andjic, you gave this job to Shadi Chacra because you knew who he was. Right?---No, not necessarily.

What do you mean not necessarily?---I knew of the company, I knew of him, I knew of his capabilities so in that respect, yes.

30 Well you didn't know that he'd only become a licensed builder 12 months before?---No.

You didn't that Triton Group had only been set up 12 months before?---No.

You didn't know that Triton Group only became registered for GST in fact, in 2013?---No.

So you didn't know anything about him you say?---Not in that respect, no.

40 You didn't know that he'd only ever done house renovations without DA as a direct contract?---It never, it never crossed my mind. I never asked him, I never confirmed it and the likes so.

And you know what I mean by saying you knowing who Shadi Chacra was. You knew that he was Fatima's sister's partner, didn't you?---Not at the time.

And that's just complete coincidence that it turns out that he was Fatima's sister's partner, was it?---It got disclosed when it all got found out, yeah.

Was it just complete coincidence that you're giving a \$65,000 project management job to a company that you knew nothing about, just complete coincidence that that was Fatima's sister's partner?---Yes.

10 THE COMMISSIONER: If you had known any of those things that Mr Brady referred to, that is the company had only just been registered, was not registered for GST and had almost next to no experience. If you had known those things would you still have awarded the contract to them?---In hindsight I don't know. I don't believe so. But in hindsight that's - - -

You don't know, you may still have given it to them?---I give companies opportunities, yes.

20 Well you can give companies opportunities but to give them an opportunity you have to have some objective basis in order to determine that they can actually do the job, don't you?---Yeah.

MR BRADY: You decided to give them the job before you got the fee proposal, didn't you?---No. I don't know if that's the case.

You see, can I take you to 825. That's an email from you to Triton Company. Right?---Yes.

19 February, 2013. See that?---Yes.

30 To Shadi, right?---Yes.

Saying "We're undertaking some redevelopment works at Camden and Picton Courthouses and require the services of a project manager to provide principle representative services". Do you see that?---Yes.

Then you set out some of the scope of works. Right?---Ah hmm.

And you attach a project plan?---Yes.

40 And that second last paragraph, "Attached is the project plan for the works that forms the basis of the agreement and for your information"?--- Do you see that?---Yes.

"Can you please provide a fee proposal in relation to the project plan and the above"?---Yes.

What do you then say?---Oh, sorry?

How about I read it out for you. “The engagement will commence effective immediate”?---Yes.

You’d already decided to give them the job before you even got the fee proposal, right?---No, that’s not necessarily. Like at the same time there was probably a discussion that was had with them and they said oh, this is what we’re anticipating in terms of the project costs and the likes and then this is just more formalisation in that respect.

10 How did you know it was going to be less than 50,000 when you went to the direct negotiation?---Based on the, the submission supplied to me by Public Works. It gave me an indication of where that fee proposal should be sitting.

That was for 56,000 Public Works gave you a fee proposal didn’t they?
---Correct. Yeah.

20 On a job that you had already indicated was probably \$65,000?---Oh, not necessarily 65,000 but, anyway.

How much did the Government end up paying Triton for this job?---I don’t know.

Would it surprise you to know that it was \$65,000?---There you go.

Would that surprise you?---No, not at all.

30 Right. Because you gave it to them on the base that it was going to be less than 50, right?---At that point in time, yes.

And they just happened to charge what you had previously foreseen as being the overall cost?---I don’t get the question, sorry.

Well, you had previously, before Public Works had put in their tender said it was probably \$65,000 worth, right?---No. Not necessarily, no.

40 Can I take you to 656. Approval for single select procurement methodology, principal consultancy design and documentation. Do you see that?---Yes.

Picton and Camden Courthouses, right?---Correct.

Do you see there – where are we – do you see there that’s the assistant director to Capital Works, right?---Yes.

That’s you?---Correct.

Expected value of the consultancy is \$65,000 or approximately 10 per cent of the total project cost?---Correct.

Project management tendered separately and expected to cost around 50,000?---Yes.

What's the extra 15?---I don't know. At that time you don't know. The project cost changes during the course of a project.

- 10 Would it surprise you that Triton charged the Department \$65,000?---No, it doesn't surprise me.

Did you tell them how much you'd anticipated the whole thing was going to cost by way of consultancy?---Of course not.

All right. So you in the meantime hadn't decided you were going to use them before you got the fee proposal I think you say, right?---Sorry, the question again?

- 20 Yeah. You had not decided to use them regardless of the fee proposal. Is that what you say?---Yeah.

And that's notwithstanding saying that in the email that the consultancy would commence immediately?---With regards to, sorry?

I just took you to an email didn't I that - - -?---Yes.

- - - you sent through to Triton?---Correct. Yes.

- 30 Saying that it would commence immediately, right?---Yeah, immediately, yes.

"The engagement will commence effect immediately"?---Correct. Yes.

That's before you got the fee proposal?---No, not necessarily. When the fee proposal would have come into line, because we had the discussions with them beforehand and they said okay, fair enough, I'll put a formalisation. It will commence effective immediately once the proposal has been approved. Maybe I should have elaborated that even further.

- 40 You mean when you say, "Can you please provide a fee proposal in relation to the project plan and the above"?---Yes, that's right. So an actual formal fee proposal. I can't base anything just on a whim or a conversation.

Well why not write to them and say look, can I confirm your fee proposal will be for this. Can you send through a formal fee proposal?---I this, I just formalised it. That's, that's how I did it.

Can I take you then to page 850 and 851. That's the fee proposal that was sent through, right?---Um, I believe so, yes.

Now, the Camden/Picton job required updating it in order to deal with disability access didn't it?---Ah, it was relating to disability access predominantly, yes.

And you were quite aware of the provisions in relation to disability access weren't you?---I know of them, yes.

10

Because that was what a number of the courthouses needed to have done?---Yes.

In fact Capital Works was dealing with the disability access legislation quite regularly?---The bulk of it, yes.

You knew didn't you what the legislative standards were in relation to disability access?---In accordance with Australian standards, yes.

20

Yeah. Did you write that fee proposal?---That fee proposal, if you look at my email it pretty much is a cut and paste of my email into there.

Did you write that fee proposal was the question?---Of course not.

You've heard of course that Shadi didn't know what AS1428 Part 2 was?---I heard, yes.

You knew what it was though?---Oh, of course I do, yes.

30

Well, when you were talking to him about getting this project management job did you raise with him that they'd need to follow the legislative standards including AS1428 Part 2?---No. I said to him can you build me a like, oversee a building of a ramp.

Did you have just a chat to him about what he knew about disability access?---No.

Did you have a chat to him about what he knew about heritage buildings?---No.

40

Regardless of taking things at face value why didn't you at least ask him what experience he had with disability access?---It didn't occur to me because it's the premise in terms of a ramp. It's not that big a deal to build a ram. As long as it's in accordance with the requirements. We had, we had a design that was being there and we had to make sure that the design was implemented accordingly.

THE COMMISSIONER: But, I mean that is the point isn't it, in order to provide disability access you say there's no great mystery in building a ramp but the code is very specific about the degree of fall in the ramp - - -?--
-Yes.

- - - and things like width and things like - - -?---Correct.

- - - materials. I mean, it's not just let's bung up a ramp?---That's correct. And that's why we had the Government architects office do a design in
10 regards to that to make sure that it was all in compliance with the Australian standards.

What, so all he was required to do was just follow the design was it?---
Essentially, yes. To ensure that that was what was being implemented.

MR BRADY: So what he need to do for his \$65,000?---Sorry?

What did he need to do for his \$65,000?---Ensure that the design was being
20 implemented in accordance with what our requirements were um, to um, do basically all the project management requirements that we asked him to do.

What did you ask him to do?---Oh, a number of things. A lot of things to be honest. Um - - -

Such as?---A program to ensure that um, what, what my requirements in terms of a liaison with peoples were undertaken. So he did that on by behalf as well. Um - - -

THE COMMISSIONER: What, you mean he did a timetable for your
30 liaisons?---No, not just that. Like, if I asked him because I was time poor can you chase this person up, chase that person up and he did that on my behalf.

MR BRADY: Well why did he need, why did you need to direct him to do that on your behalf? He was the project manager?---I direct all my project managers the same way.

Your project manager basically runs the construction, right?---Not necessarily.
40

The idea behind having an external project manager is that you can take an overall view, right?---That's, that's one of the ideas, yes.

You don't have to get involved in for example selecting tiles because the project manager does that, right?---No. That's, that's incorrect.

You don't have to organise the start date for the construction company because the project manager does that?---I in unison with the project manager will organise a start date with the construction person as well.

I mean the project manager is the one who should be following up the construction company to see when they should start, right?---Not always, no.

10 When they're being paid \$65,000 to do it shouldn't they be the ones following up the construction company to make sure it gets a start?
---Not always, no.

Now you authorised payment of Triton for that first job didn't you?
---Ah, yes.

Can I take you to 1011. Now that's the first bill, 12 March, 2013, do you see that?---Yes.

20 It sets out a number of hours in relation to the preparation of risk register, project - - -?---Excuse me, yes.

- - - management services relating to document reviews and incidentals relating to preparation of works, do you see that?---Yes.

Now a project manager basically charges their time don't they?---Ah, time, yeah.

30 There's very little by way of outgoings of a project manager, right?---Apart from paperwork and the likes and probably some legwork.

Well, when you say some legwork that's their time isn't it?---Yeah, or, or the motor vehicle expenditures whatever, that's what I meant, sorry.

So a little bit of the sort of usual things like a bit of travel and a bit of paperwork?---Paperwork, phones, I don't know. I, I don't know, you'll have to confirm with project managers how they charge their time out but that's, that's my premise in regards to that.

40 How long were you running Capital Works for?---All up?

Yeah?---Almost five years.

Well, during that time you no doubt dealt with a number of project managers?---Yes.

No doubt checked their accounts to make sure you should pay them?---No, not necessarily.

In any event we can see from that can't we that there are a number of hours that have been charged, right?---Yes.

And that's not an unusual thing to get for a project manager bill, would that be right?---Yes, generic.

Setting out hours charged, rate and the amount that's associated with that?
---Yes.

10 And it enables you to see yeah, okay, I can see the preparation of risk register took three hours, right?---Yeah.

That way you can authorise it on the back of the fact that you know, yeah, it probably would have taken three hours?---Yeah, if, yeah.

Can I take you over to 1013. That's 2 April, 2013, do you see that?---Yes.

That's an invoice from Triton Group, right?---Ah hmm.

20 It's address to Kerrie Kent isn't it?---Yes.

Kerrie's gone by then hasn't he?---I don't know when she left but I think she, yeah, April, probably, yes.

Right. So you're running this project then aren't you?---Unfortunately, yes.

This bill that came through, you paid that?---Yes.

30 You indicated didn't you that the work had been done?---Yes.

And as a result of that they got paid?---Correct.

What was the associated contract work for 32 hours?---I don't know.

Why not?---I don't go into the details of invoices.

Well, you have to authorise that the work is done, right?---Correct, yes.

40 You actually sign off saying I've certified that the goods were received in good order and condition, right?---That, that's essentially the – yeah.

What that means when you're talking about project management is I certify that the work has been done?---Yes.

Well, when you're certifying that the work has been done don't you check to see 32 hours of associated contract work, I wonder what that was for?
---No.

Why not?---Like I said I take the invoice at what was there at face value, I calculated in my own head what the actual expenditures would have been and if it correlates with that, tick in the box.

So you're saying that you might have had absolutely and utterly no idea what the Government was paying \$5,760 for?---No, that's incorrect to say, I knew what was done during that month, doesn't mean that it reflects it in here what I say so I don't know what associated contract works means.

10 Well, why certify that it's been done if you don't know what associated contract work means?---Different contractors, consultants, put different words in there. As long as the produce, like the produce was done and provided to me in accordance with what our requirements were for that month I would sign off on it accordingly.

Well how do you know that that's been done if you don't know what the individual amounts are for?---Well, I got provided documentation, I got provided reports, I got provided discussions, whatever it might have been in meetings. I don't take that at face value in terms of what they put in there.

20 That's, that's their way writing their invoices. I don't know how contractors write their invoices.

THE COMMISSIONER: You can't, you can't have seriously accepted that it took almost a full working week to write a PCG report and then another full working week to write a tender evaluation report, can you?---Again like, like I said, based on those figures you know that's -- I can't justify those figures on their behalf.

No, no. You're not being asked to justify - - -?---Ah, sorry.

30 - - - them on their behalf. I'm asking you a question. You can't seriously suggest that it could've taken a full working week to write a tender evaluation report?---Ah, some people could - - -

A 35 hour week to write a report?---Some people can write them in a few days some people take longer.

40 But this was a company that had all the relevant experience according to you to project manage this, this courthouse?---Yes. And I didn't take their hourly rates or whatever at face -- I took it at face value. I knew what was provided, I knew the extent of the costs based on previous experience and used that as a basis.

MR BRADY: Well based on previous experience and no doubt you thought that the fee proposal that they were given was -- or had given was appropriate for the Camden Picton Courthouse?---I believe so, yes.

So that was about 40-what, seven thousand dollars?---Whatever it was.

So where did the rest of it come from to make up the \$65,000 you actually paid them?---There was probably variation costs associated with some of the works. It was becoming a very, a difficult project near the end of it. And they had to spend more time, I believe, on the project itself.

You've heard, haven't you when Shadi was giving evidence earlier?---Ah, yes.

- 10 You've heard him unable to explain what it was that he was doing for these amounts?---Yes.

You heard that, didn't you?---Of course, yes.

Did that cause you then concern that you had authorised these payments when he couldn't explain what they were for?---It didn't cause me concern because that's his definition of what he did and what – I knew what was done and what was provided.

- 20 It didn't cause you concern that the man that you'd paid some \$65,000 to on behalf of the Government couldn't remember really anything he'd done on the project?---I can't talk on his behalf.

No, not on his behalf, you heard him say - - -?---On my behalf, yeah, I heard him say is it and like I found it strange but what can I do?

All right. Well you could tell us what the PCG report was that the Government paid \$5,400 for?---A report, a project control group report.

- 30 Yeah?---It was – there was actually a number of reports, I believe that was being done.

So you say, do you, that you received that PCG report?---From memory there was a report provided to me, yes.

THE COMMISSIONER: Well look if you signed off on it, you said a moment ago that as long as you were satisfied the work was done you signed off?---Correct, yes.

- 40 Well if you signed off on it then what follows is that you said "You received a PCG report"?---That's what I said, from memory I did receive it, yes.

MR BRADY: What was the incidentals worth 5,260 bucks?---I have no idea what that breakdown would be.

Well why didn't you ask?---I didn't need to.

Because it was Government money and it didn't matter?---No. That's, that's not the reason why.

Well why not?---Because I – that information and everything was provided on my behalf what was required. So I don't go into the nitty gritty of each line item why wasn't this paid, why was this paid?

Well how about the nitty gritty of incidentals worth \$5,260 when you are the project manager internal for the Government?---Yes.

10

You didn't see the necessity in going into the nitty gritty to find out they've actually done anything for the \$5,260?---No. I didn't go into that detail.

THE COMMISSIONER: Tell me this, Mr Andjic, at some point, and you've already indicated that your working relationship with Mr Maslen broke down?---Yes.

But at some point he started to ask you, did he not, for details in relation to these projects?---Ah, relating to expenditures, yes, financials, yes.

20

Yes, and you didn't or couldn't provide him with those?---No. I provided him with those. Yes, I did.

Yes. And you didn't or couldn't provide him with those?---No, I provided him with those. Yes I did.

Well, he says that you didn't provide him with the requisite detail?---The, in regards to the actual what works were undertaken and finalised and done?

30

And what was being paid for, yes?---What was being paid for I did tell him, in that respect.

Well then let me come back to this, in so far as Mr Maslen was expressing concern about the level of detail that you were providing to him it would have, that is his concern, would have motivated you would it not to actually pay attention to these invoices and work out what it was that you were paying for, is that right?---When Mr Maslen approached me in that regard it was like late in, or mid-2012, yeah.

40

All right. Well I don't care when it was?---Yep.

But wouldn't that have motivated you to then start paying attention to these invoices because you had to justify these expenditures to Mr Maslen?---Yeah, not necessarily in terms of project management side of things but construction side possibly yes.

MR BRADY: All right, can I take you over to 1015. It's 21 June, 2013. Do you see that?---Yes.

It's another bill from Triton?---Ah hmm.

“Site inspection, review of construction site, established and finalised program of works, \$5,000,” right?---Yes.

No doubt you have no idea what the breakdown of that was?---The site inspection?

10 Well, site inspection, review of construction site, established and finalised program of works, and he's charged \$5,000 for that hasn't he?---Yes.

No doubt you have no idea what the breakdown of that was?---No, I don't know the breakdown, obviously.

Because you didn't go into the nitty gritty?---No, that's right.

20 To work out whether or not in fact he'd actually done \$5,000 worth of work?---That's right, I didn't go down to that Nth level.

Then he's got additional works relating to postpone of works due to departmental review of court operations to Camden Courthouse, including financial assessment, do you see that?---Yes.

\$10,360?---Yes.

30 Do you have any idea what he did for the \$10,360?---With that one I do. Um, Camden was being considered as being a non-operational court and as a result we were doing as, obviously we were doing some works there in terms of capital works and we had to do a review of the actual um, project, what was expended to date, what needed to be expended to finalise the project to ensure that it was going to be put up to scratch because a departmental decision was possible, possible that Camden was not going to go ahead as a courthouse anymore. That's it.

40 Would a project manager who'd been previously paid some 30-odd thousand dollars know how much had been expended by that time?---Yes, but it was also going through the fact that what needed to be done to finalise the project to ensure that it would be that way.

Wouldn't a project manager who'd been paid \$30,000 know how much would be needed to finalise the project?---It's - - -

Isn't that part of their job?---Not just the financials. It was also the actual works that needed to be done.

Well wouldn't a project manager who'd been paid \$30,000 know what works still needed to be done?---Yes, but then it had to correlate with what our requirements were.

And that was some, obviously 16-odd thousand dollars for those things was it?---Um, it says 5,500 below it. I don't know.

Well, let me suggest to you that \$5,500 and then 11,396 got paid?---Yes.

10 So all of that was some \$16,000-odd wasn't it?---Okay, yes.

You see, then what, 1019, why are you then paying them an additional \$18,557 for project management works including meeting and review of contract documents outside original scope?---Because you can see the difference between the timing. It was almost two months after the fact in terms of what was going to be done. So there was a further review that was being undertaken at both the courthouses in that respect.

20 So what review of contract documents together with a meeting would lead to a bill for \$18,557?---It's going through the entire documents to see how and what needed to be finalised in terms of the contract.

Well what role does a project manager have if it's not going through and making sure that everything is being done?---Well, they have to do it in accordance with what our requirements are. I'm sitting there with them and going through the whole process. So they're spending their time with me.

30 So you say do you that he spent some \$18,557 worth of hours with you?---Well it wasn't probably just with me. But, you can't say that. But it was, some of it, a bulk of it would have been with me whilst the others would probably be in his office or wherever it would have been.

At \$180 an hour that's some 94 hours that this man is supposedly spending on this, right?---Yes.

THE COMMISSIONER: That's two weeks.

MR BRADY: Which is two weeks.

40 THE COMMISSIONER: Two weeks to do a meeting and a review of contract documents?---It was over that two-month period.

No, no. 94 hours is two full-time weeks?---Yeah, spread over that two-month period, yes.

It says meeting singular, not meetings plural. It was one meeting and review of documents?---It doesn't necessarily mean one meeting. It was

probably more. It says here meeting but there was definitely more, more than one meeting.

How many were there?---It could have been up to five.

Could have been?---Could have been. I can't - - -

Is that a guess?---No, it's not a guess. Oh, it's, it's my best recollection of what it was because I had a number of meetings so - - -

10

MR BRADY: You say do you that you were satisfied that Triton Group had done a project management job on Camden and Picton that entitled them to charge \$65,000?---I believe so, yes.

Well, you say that you were basically in charge of whether they got paid, right?---Yes. Yes.

No doubt you were checking that they had done work before you gave them the Government dollar?---Sorry, is that a question?

20

Yeah?---I didn't check, no.

How do you know they did \$65,000 worth of work?---Oh, with this project. I thought you said before that like, yes, of course. I was looking at rule of thumb figures in terms of okay this is what has been spent, this is what has been provided to me. Okay. Yes, tick in the box.

Now, in order for them to get paid you'd need to fill out a purchase order wouldn't you?---Correct.

30

You could do it another way as well though couldn't you?---You can do purchase orders, you can do the vouchers.

And when you say vouchers you mean a payment voucher?---I believe so, that's what it's called, yes.

What circumstances would you do a payment voucher?---If there was variations to the, to existing purchase order and the Finances don't want us to go through the whole rigours associated with the purchase order, they say provide us with a payment voucher and sign it off accordingly.

40

Why would Finance not want you to go through the rigours of doing a purchase order?---Timing for their monthly requirements.

Well, how long would it take you to go through a purchase order?---It could end up being a week. Sometimes we had them where they, we never received the purchase order. Sometimes it would even take longer.

And so you say do you that you would only use a payment voucher if in fact Finance was basically saying to you oh, could you use a payment voucher?
---Well, yes. It's the – essentially that or if someone else tells you to do it as a payment voucher.

Who would be someone else telling you to do a payment voucher?---Oh, it depends, like if, for example, if your, the assistant manager of planning would have said just do it as a payment voucher so we can get it into the system to ensure that our expenditures for that, for that month has been met.

10

The idea when you do a payment voucher though is that you have one person who signs off as the project owner, right?---Yes.

And one person who then authorises it?---Technically but not always.

That's the idea of the payment voucher isn't it?---It is but I seek clarification in that regard.

20 I'm sorry, what?---Not always was it. Sometimes you can have the – depending on your financial delegations you can provide – if you're the project manager and you have the financial delegation you can sign off on both sections.

Okay. You wouldn't get someone to sign off as the project owner if they weren't the project owner though would you?---Essentially no, but it did occur in the Department.

Essentially no, but it did occur within the Department?---Correct.

30 Do you know say that you did it?---A lot of us did it.

Do you say that you did it?---Yes.

Let me show you this, 936.

THE COMMISSIONER: Who is "a lot of us"?---The – Asset Management, sorry. Within Asset Management. Either the Capital Works team or the Facilities Management guys.

40 MR BRADY: That was a payment voucher for \$11,396 paid to Triton, right?---Yes.

That was that split invoice that I was referring to before, you understand that?---Yes, that's correct, yes.

Mr Murphy has signed off there really as project owner hasn't he?---Yeah, essentially, yes.

He signed off as saying that the works have been completed hasn't he?
---Correct, yes.

And you're then authorising it as his boss, right?---Correct.

Mr Murphy didn't have anything to do with the Camden and Picton project did he?---No.

10 How in the world would he know whether or not the work had been done?
---Ah, based on the project manager that was being or the project officer or the project owner as you say, they could tell if they're not in the office they sent it out through them and say the work has been done, can you verify it and get it accordingly done and signed off on it. So in this instance I would have probably told him the work has been done, can you sign it on behalf of that, on me in that respect.

So you've got him to sign that portion instead of you?---Yes.

20 And then you've authorised it?---Correct.

So there's no check and balances at all in relation to that?---No, this is, this was common practice within the organisation, within the Department.

There's no check or balances at all in relation to that?---No, essentially hearsay word saying and taking face value of that.

You mean you told Mr Murphy the work has been done, can you sign that then I'm going to authorise it?---Yes.

30 Why didn't you sign then that the work had been done?---Me, why didn't I sign it?

Yeah?---Because I had the delegation, the financial delegation to approve it accordingly so if you take a step back I had the financial delegations to be undertaken and so I asked a team member to sign it on my behalf.

40 THE COMMISSIONER: But that's just a sham isn't it because you're essentially asking someone who knows nothing about the project to sign off so that you look like you're complying with the process but in fact you're not?---I won't deny it but it was prevalent within the Department so - - -

Now it's prevalent?---It was, a lot of people did it, yes.

So were there members of your staff under your instruction who did this as well?---There would have probably, maybe, I don't know, you'll have to look at the - - -

So it was a practice that you condoned as the assistant director?---Not just me, the – everyone within the, on the floor so if each assistant director that would have done it.

Everyone on the floor?---Yes.

Did that include Mr Maslen?---It would have, yes.

10 MR BRADY: Can we go back, when you say not just me the question was did you condone it?---Ah, sorry, the meaning of condoning?

THE COMMISSIONER: Approve it?---Yes, I approved it.

MR BRADY: No, no, not approved it.

THE COMMISSIONER: Approved of it, I'm sorry, approved of it.

20 MR BRADY: Approved this particular system?---Well, with respect to Finance we had a discussion with them and they were happy with it so you moved onto the next phase so yes, if that's the case, I was just following the processes.

This isn't following the process though is it?---No, but what was - - -

This is subverting the process isn't it?---Averting it?

Subverting the process isn't it?---Bypassing it?

30 Yes?---Well, technically yes.

Well, there's no technical, Mr Murphy didn't have anything to do with this job?---That's correct, yes.

You're basically getting him to sign something saying the work has been done when he has absolutely no idea except through you whether it has been?---That's correct.

40 And then you're authorising the fact that he's signing it on your say-so?
---Yes.

Was that to avoid any scrutiny by Mr Maslen?---No, not really because Mr Maslen doesn't see this.

Well, I think that's the point isn't it, that Mr Maslen doesn't see this if in fact you use this particular process, right?---No, well, he would, he would see it when it comes out in the financial, financial flow end of the month or whatever it might be.

He wouldn't see this particular invoice would he?---I don't know, you'd have to ask him if he's seen it or not.

Well, you've involved in Asset Management Branch for some five years, right?---Yes.

You would know whether or not the director would get to see these individual invoices wouldn't you?---Not really, no, I don't understand what the director did in that respect.

10

You see, at 975 you used another payment voucher to pay \$18,550-odd to Triton didn't you?---Yes.

And you got someone else to sign off on that as well didn't you?---Yes.

Amin Sayour, right?---Correct.

Was he working for you?---He was, my, yes, he was in my team.

20 He was working for you?---He was in my team, yes.

Is there a difference between being in your team and working for you?---No, it's the same, exactly the same, sorry.

Again, that's you saying the works been done, can you sign that then I'm going to authorise it?---Yes.

So there's some, practically almost 30,000-odd dollars paid to Triton on the back of you telling other people to sign off on it. Right?---Yes.

30

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

That wasn't an attempt to avoid it being seen by someone like Mr Maslen?--
-No. Because if you go back further projects, previous projects it was similar concepts.

You see if you signed it as certifying that the work had been done, someone else would have to sign that approving it, wouldn't they?---Yes.

40 The only people who could sign it approving it would be for one, the director?---Yes.

Or maybe an assistant director?---Yes. Or anyone else with financial delegation.

Right. Well why didn't you sign it and get someone with financial delegation to authorise it?---I approached Jamie on a number of occasions and he says "I'm too busy I can't, deal with it amongst yourselves".

Sorry. So you actually took – let me make this perfectly clear. You say you actually took one of these things to him and said “I’ve certified this as being correct, can you just authorise it”? And he said “No. I’m too busy to authorise what you’ve signed as being certified”?---Yes.

How long does it take to authorise it?---The sign off?

Yeah?---Sometimes it could sit on someone’s desk for a few weeks.

10

How long does it actually take to authorise it?---It takes you two seconds to sign off on it.

And you’re saying that Mr Maslen when you approached him saying “Look, I’ve done this as project owner, I’ve certified it as being done, can you authorise it”? Said “No. I’m too busy. Go and subvert the system”?---No. There was probably a pile of them that needed to be done. He never said “Go and subvert the system”.

20

THE COMMISSIONER: He said according to you “Deal with it amongst yourselves”?---Yeah. Because I’m too busy.

Well doesn’t that mean, doesn’t it mean ignore the system?---Well, it that’s the case then, yes, that’s what he said.

MR BRADY: You see Triton didn’t do anywhere near \$65,000 worth of work on this project management, did they?---They did. They got paid accordingly.

30

You gave this job to Mr Chakra because he was the partner of Fatima’s sister. That’s why you gave him the job, isn’t it?---No, not necessarily.

THE COMMISSIONER: Sorry. Does that mean that that was part of the reason why you gave him the job?---No. That’s not what - - -

Well what does not necessarily mean?---That’s what I’m trying to say. I’m not being facetious in that regard. I’m saying, no. No, that’s not the case.

40

MR BRADY: Because you say you didn’t have any idea at all when you gave this job to Mr Chakra that he was Fatima’s sister’s partner?---No. There was a declaration prior to that, I believe that was given to my manager. I can’t recall dates now, I apologise for that. But I know there was a declaration accordingly that was put into place.

You don’t say that some declaration was made before you gave him the Camden Picton job, do you?---I don’t – I can’t recall when it was done. I can’t - - -

The first project management job you gave to Mr Chacra was Camden Picton right?---Yes.

Just by reference to when you first gave him that job do you say some declaration was made before you gave him that first job?---I can't recall if that was the declaration that was put into place or it was a project prior or later.

10 Well in what circumstances would that declaration have been put into place before you gave him the Camden Picton job?---I don't know what the question is, sorry?

Well you were saying weren't you when we were talking about why you gave him the Camden Picton job?---Mmm.

We went through the varying reasons that you've given?---Yes.

20 None of them included that you knew that he was Fatima's sister's partner?--I don't recall if I knew then or didn't know then.

You don't know today whether the first time you've awarded this man a project manager position you have no idea today whether you knew that he was affectively related to Fatima Hammoud?---I can't recall - when does the timing start for and I'll tell you exactly when it was? Because I need to know the dates. I can't recall without knowing dates.

30 Why do you need to know the dates just rather than having reference to the particular job?---Because there was a number of jobs that were being undertaken by him.

You can take it from me the Camden/Picton job was the first job you gave him as a project manager?---Correct.

Do you understand that?---That's, that I understand, yes.

Right. Well, did you know before you gave him his first job as project manager that he was effectively related to Fatima Hammoud?---Not that I can recall, no.

40 When did you give SAFF their first job?---Um, sometime in the beginning of 2013.

Now, I assume, correct me if I'm wrong, that you gave Triton their job because you wanted to give a company a go?---Yes.

You wanted to see how they went?---Yes.

You're progressing from them having knocked down a wall and put up a handrail at Blacktown to a project management job?---Yes.

And you wanted in those circumstances to see how they performed?---Of course.

And you wanted no doubt to see how they performed on their project management job before giving them another job?---Well, yes. Not for project management but for, see how they worked on the projects.

10

Yeah, because you wanted to see whether or not they were going to do a decent job - - -?---Yes.

- - - before you gave them another one?---Yes.

So what you did no doubt when you gave them the Camden/Picton is you waited for a while to see how they were going with that job?---Um, not necessarily. I saw how they dealt with it. Um, doesn't mean waited for a while. What do you mean by a while?

20

Well, did you wait for more than day before you gave them their next job?--
-I don't know. I can't recall.

Well, didn't you want to see how they were going on the Camden/Picton job before giving them more contract work?---Um, not necessarily.

Well isn't the purpose of giving a company a go to work out how they do?--
-Yes, but it doesn't relate with Camden/Picton. That's what I'm trying to get across here.

30

What, you figure I'll give them Camden/Picton then I'll give them a couple of more jobs and see if they manage to handle a number of them all at one time?---It happens.

You see, didn't you give SAFF their first job within a week of giving Triton its first job?---Possibly. I don't know the dates.

You knew didn't you that SAFF was Mr Chacra, right?---Yes.

40

And you knew that from the word go?---Correct.

So you knew that Mr Chacra had Triton Group?---Yes.

And you knew Mr Chacra had SAFF?---Correct.

You gave Mr Chacra the project management job at Camden/Picton?---
Correct.

On behalf of Triton?---Yes.

And you then gave him didn't you the project management job of Cessnock?---Ah, well, his company, yes.

SAFF?---Correct.

You knew that was Mr Chacra?---Yes.

10 You knew you'd given him two project management jobs in a very short time?---Yes.

And this was a person who still hadn't pre-qualified?---Correct.

That you didn't know anything about other than what he told you?---Yes.

You had no idea what SAFF was like?---Correct.

20 Did you know how many people worked for Mr Chacra?---No.

No idea?---No idea.

You didn't know whether he was a one-man-band?---I, no. I didn't know.

He could have been a one-man-band with two companies?---Could have.

Well wouldn't you want to know before you start giving both companies work?---Not necessarily, no.

30 Why not?---Because you take it on face value what they provide you, the information that you provided you and you take their portfolios in accordance with that and see that they've done the works in the past so you say okay, let's see how you go with ours.

THE COMMISSIONER: Mr Andjic, when people provide you with portfolios and they say they've done work in the past do you, as a general rule do you make contact with those persons for whom the work has been done and check that it was done to a satisfactory standard?---No.

40 Why not?---I never used to do that.

That's not an answer. Why not?---I didn't feel the need for it to, to be done.

Why not?---Because I just didn't feel I needed to. They showed it in the portfolio and I took it at face value.

When someone applies for a job and they give you examples of their qualifications and they give you the names of persons for whom they

previously worked with glowing references, do you ring those persons and find out whether or not those references are genuine?---As part of the recruitment processes, yes, you would.

So what's the difference?---Because there's no recruitment process here so it's just taking it on face value. I don't have to - - -

No, no, no, there is a process. There's a - - -?---There is a process.

10 There's a very clear process?---Yeah.

The process is to ensure that the person that you contract with is capable of carrying out the work to a satisfactory standard?---Correct.

In the same way that a potential employee is employed to carry out work to a satisfactory standard?---Yes.

20 What's the difference, why should you do those checks in the case of a prospective employee but not in the case of a prospective contractor?---I have never done it with a contractor so - - -

That's not an answer?---I know it's not an answer.

I want the reason?---I don't know. I just - - -

You don't have a reason?---I don't have a reason for that. I just never used to.

30 Completely and utterly inexplicable?---I just didn't do it, yeah.

MR BRADY: Can I take you to 1034. Do you see that's an email from you?---Yes.

To SAFF Projects?---Yes.

And you see it's dated 21 February, 2013?---Yes.

40 You recall I was taking you to the fee proposal in relation to Camden/Picton?---Yes.

Which was dated 19 February, 2013?---Yes.

And you see that you're writing to SAFF Projects on 21 February, 2013 indicating that you've got a number of projects that are going to need the services of a qualified and panelled project manager?---Yes.

What did you mean by panelled?---Within a panel.

Sorry?---It could be within a panel, previous panel of another agency or another department or another company or whatever it might be.

Well, what did you mean by it?---That. Exactly what I meant.

I'm sorry, I didn't understand at all what you meant by panelled. Panelled meaning what?---In another agency they might have been part of a panel like of other contractors or whatever it might be. For example, if it was in agency B they're in a panel of say 20 other contractors or whatever it might be or if they're in a private company they're in a panel with that company, have they done works with other companies. That's, that's what I meant.

You don't mean on the prequalified list?---No.

You mean panelled with some panel that might be forever unexplained? ---Well, within a panel, yes.

Within a panel of what?---Of – I don't know. With regards to this one with other panels of other projects that they've done or project managements, managers that they've done or they've undertaken.

Well, did you find out whether or not SAFF was qualified and, on your definition, panelled project manager?---Because I knew Triton and SAFF were one and the same. I knew that Triton was – done some works previously with other Government agencies so I took it on face – on heart that they – it's the same company.

What other Government agencies had Triton done work for?---I believe the Department of Housing I think it was. I don't recall any others from memory but I believe that was one of them.

Why – withdraw that. You knew you say that SAFF was Mr Chacra's company?---Yes.

When you were dealing with Triton you were writing to Mr Chacra?---Yes.

Why are you writing to Fay?---Because that's the person that contacted me. What do you mean the person who contacted you?---That was the person that contacted me on behalf of SAFF Projects.

In what circumstances did that person contact you?---They gave me a call.

Yeah, and?---And they introduced themselves to me.

Saying what?---Hi, I'm Fay. Along these lines. I don't know the exact lines. I work for SAFF Projects. I believe Shadi put me forward. I can't recall the exact conversation.

What do you mean "I believe Shadi put me forward"?---That's what I, that's what I believe that might have happened. Gave me your name or whatever it might have been. Along those lines.

So you say don't you that you knew that SAFF was Shadi?---Yes.

Did you ask why are you using this company?---That company?

10 Yeah?---All he said was that he wanted to get into the project management side of things and keep that and construction separate.

Did you know how long SAFF had been set up?---Ah, no.

You've heard now haven't you that it was set up on 19 February?---Yes.

Right. And you never made any inquiries to find out how long SAFF had been in - - -?---Not at all.

20 Why not?---Again I didn't feel the need to and I never did.

Did you ask who Fay was?---No, I asked who are you and she said I'm the project manager that's going to be supporting under SAFF.

And you say do you that you had absolutely no idea at that stage that Fay was Fatima's sister?---No.

That's what you say?---That's what I'm saying.

30 When do you say you found out that Fay was Fatima's sister?---It was during the course of one of the projects, I don't know the exact date, I don't know the exact timing but it was around this period, February or March, I can't recall and I believe they, she came to the office late one afternoon and I saw like an interaction between Fatima and Fay and queried it and that's when it, I became an understanding of who, and the relationship between them two.

Sorry, queried it, what do you mean queried it?---I said oh, how do you guys know each other.

40 THE COMMISSIONER: Well, before you go there - - -?---Yeah.

- - - what was this interaction, can you describe what happened? What was said?---I don't recall exactly what was said, it was - - -

Well, give us the gist of it?---Oh, I don't know, like I was, it was probably, oh, hi, or I don't know, along those lines and, and I've gone oh, you guys know each other and then it went on from there, the conversation.

MR BRADY: Well, when you say the conversation went on from there - - -
?---Yeah.

- - - what was said?---Um, I can't recall exactly what was said.

Well, you say you don't you this came as a massive surprise to you?---No,
no, I never said it was a massive surprise, I just said oh, okay.

10 Well, it must have been a surprise?---No, it wasn't a surprise, it was like – I
don't take that like that, I just said oh, yeah, okay, we've got to, have to
make sure that we do the right thing about this.

THE COMMISSIONER: Mr Andjic, before you go any further I just want
to put this in some context. Here you are, you've awarded not one but two
contracts to two companies, both of which have been set up almost
overnight by one person who provides you with no meaningful references,
no meaningful proof of experience, simply wishes to obtain Government
work and largely on the basis of a fee proposal you give him Government
20 work to a considerable value, more importantly over and above what the
original fee proposal was and now you're saying that when this person Fay
Rouze turns up and makes it know that she is Fatima's sister that causes you
absolutely no concern either on a professional or ethical or any other basis,
is that what you're telling us?---No, I'm not saying that at all.

All right. Well, you tell us, you tell us what your reaction was?---My - - -

What went through your mind?---Yeah. My reaction was, okay, this has to
be dealt with accordingly.

30 What does that mean?---Declared, that the relationship had to be declared.

How was declaring the relationship going to assist you given what you had
done by way of giving this person an enormous amount of work on
absolutely no proof of experience?---Okay, are we talking about the
experience side or other dealing with the - - -

No, no, Mr Andjic, what you have to appreciate is that it is the appearance?
---Yes.

40 Don't you understand, don't you understand how someone, let's just take
mythical person walks in off the street, they're made aware of all of this,
they're made aware of the value of the contracts that you've given to this
person, they're made aware of the fact that you took everything that he said
at face value, they're made aware of the fact that this person has in fact no
real experience, they're made aware of the fact that you've given, paid over
enormous amounts of money over and above the fee proposal and they're
made aware of the fact that here you are standing in an office and the person
who's representing one of these companies is the sister of you then, I don't

know, girlfriend, paramour, partner, I don't know, whatever you like to describe her as. What do you think that would have conveyed to the ordinary person?---To the ordinary person it would have been perceived as being not right.

Not right in what sense?---The whole relationship in that respect.

Wouldn't it have looked like you had given this person all this work out of a desire to please Ms Hammoud?---Possible, yes.

10

Right.

MR BRADY: Bearing that in mind what did you do about it?---I approached my director - - -

You mean Jamie Maslen?---Correct.

20

Right. And what did you say?---And I said to him, I relayed him the, the interaction and the, the likes and he said to me okay, I understand it, it's manageable. Just make sure you declare it accordingly and put it in the files.

When you say it's okay, it's manageable what did you actually tell him about what had happened?---I can't tell you verbatim in regards to what I said.

30

Well let me ask you this, did you say to him look, I've been a bit infatuated with Fatima and I now find out that we've given work to her sister?---I definitely didn't go along those lines.

Why not?---Because I didn't see the need of telling me, my personal relationship in terms of what the professional relationship was.

Well, did you say to him I like Fatima and I've now found out that I've actually given direct negotiated contracts to her sister?---I never mentioned that I liked Fatima to Mr Maslen.

40

So you say do you that you told Mr Maslen that Fatima's sister had been given direct negotiation contracts by you?---Ah, I told him who Fatima's sister was and in regards to the projects.

Well, what does that mean?---I went up to him and said, "Look, one of the projects, project managers that have been engaged is a relative of one of the staff members," and I told him who it was and he said, "Okay, as long as you can declare it," because there was a similar process that someone else did it within the organisation and he was happy with that accordingly.

Did you say to him that Fatima Hammoud's sister has now got some contracts with the Government?---I, I did probably mention that along those lines, yes. A relative.

Along those lines. Why wouldn't you just say to him what had actually happened?---I don't recall the exact conversation. I can't recall that but that's what I'm saying, along those lines.

10 Well it's a bit different saying a relative and her sister isn't it?---Probably, yes.

Well why didn't you say Fatima Hammoud's sister has turned up, she's the project manager for a company that we've just given contracts to?---Maybe I did say it in that respect. I can't remember the conversation.

THE COMMISSIONER: Oh, and by the way I'm madly in love with her. That would have been another clue wouldn't it?---(No Audible Reply).

20 Well come on, Mr Andjic, look, the very feature of your association with Ms Hammoud is the thing that makes this look like partial biased activity on your part, isn't it?---On - - -

Isn't it?---In layman's terms, yes.

So the very thing that makes you look completely out of order is the one thing you don't tell Mr Maslen, is that what you're saying?---I've never told Mr Maslen that I was in a relationship - - -

30 Right?---Or - - -

Before we adjourn there's just one other thing I want to ask you. In the light of all of the material that we've been discussing and your answers to the questions that have been put to you do you regard your behaviour in this respect as entirely professionally competent?---No.

All right. We'll adjourn and resume at 10 o'clock tomorrow. Thank you.

40 **THE WITNESS WITHDREW** **[4.03pm]**

AT 4.03PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.03pm]