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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION ELGAR

Reference: Operation E14/1551

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 9 NOVEMBER, 2015

AT 10.15AM

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

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

THE COMMISSIONER: Yes. Take a seat. Yes. This is a public inquiry arising out of an investigation into an allegation that Jason Meeth while a manager at the University of Sydney engaged in corrupt conduct by partially and dishonestly exercising his official functions for the benefit of Canberra Solutions Pty Ltd. Could I just indicate to members of the profession that the standard directions apply and they can be found on the Commission's internet site. I'll ask Counsel Assisting to open this inquiry after which I will take applications for leave to appear and there will be a short adjournment before we commence with the first witness. Yes.

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MR HUNT: Commissioner, through this public hearing the Commission as you've said is investigating the ways in which between February, 2012 and July 2013, Mr Jason Meeth when an employee of the University of Sydney exercised his official functions in engaging certain information computer technology contractors, otherwise known as ICT contractors, to work for the University. The primary focus of this inquiry is whether Mr Meeth, who was a senior manager with delegated expenditure authority, engaged in a course of activity that was partial, in terms of his dealings purportedly on behalf of the University directly and indirectly with Canberra Solutions Pty Ltd and in particular, his dealings with Mr Balu Moothedath an employee and possibly the real principal of that company and Ms Sonata Devadas its sole director.

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Shortly after taking up employment at the University Mr Meeth proactively advocated for the University to use the services of Canberra Solutions and commenced to deal with Mr Moothedath to recruit ICT contractors. These dealings seemed to have subverted the University's policies and sidestepped processes put in place to implement recommendations made by this Commission arising from public hearings in Operation Citrus in 2011/12.

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It is anticipated that the evidence will demonstrate that while Mr Meeth was the head of ICT projects, nine Canberra Solutions candidates were employed by the University. Although documentation is incomplete for one reason or another, Canberra Solutions received at least \$1.6 million sourced from the University for work done by the nine contractors employed directly through Mr Meeth. The moneys in excess of \$1.6 million were received over about 18 months from June, 2012 to January, 2014. This amount represented a significantly higher amount than was actually paid to the relevant contractors and represents a significant detriment to the University and to the public purse.

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If Mr Meeth knowingly engaged in the conduct that has been alleged against him, he was at the very least in breach of University policies in failing to disclose a conflict of interest or a potential conflict of interest to his employer. While Mr Meeth – were Mr Meeth still to be employed at the University that failure would be grounds for disciplinary action and/or dismissal.

More seriously, the conduct likely to be established against Mr Meeth would also amount to discharging his official functions either in a partial manner, in a dishonest manner, or both, and either class of conduct may fall within the definition of corrupt conduct for purposes of section 8(i)(b) of the ICAC Act. Further, there is the potential, subject to the ultimate findings, that the conduct may have involved a breach of public trust and therefore be caught by section 8(i)(c) of the Act. The Commission is also investigating Mr Meeth's apparent creation and use of false and misleading documents used in the employment of Canberra Solutions' candidates.

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It's expected that the evidence will show that Canberra Solutions profited dishonestly from fees paid by the University for ICT contract work to contractors proposed for selected by Canberra Solutions. In due course I will go into some detail concerning the behaviours of Canberra Solutions to be explored in this public hearing.

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Given the likely evidence in relation to improper benefits flowing to Canberra Solutions another fact that falls for exploration is the existence of and nature of any improper financial relationship between Mr Meeth and Canberra Solutions and/or either Mr Moothedath or Ms Devadas. The Commission might well expect that in view of conduct alleged between Mr Meeth and the officers of Canberra Solutions and the clear illicit profits flowing to Canberra Solutions that it is likely in all those circumstances there'd be an arrangement to reward Mr Meeth for what might well be found to be his partial dealings.

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It will fall to this inquiry to determine whether Mr Meeth in fact dishonestly attained a financial advantage from Canberra Solutions. In that regard there will be a need for Mr Meeth to explain the provenance of about \$29,000 in cash otherwise unaccounted for which was deposited to his personal bank account during the relevant period.

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I'd like to take the opportunity to outline some of the broad features of the matter to the Commission. The University of Sydney is established under the University of Sydney Act. Given that the Auditor General has powers under section 35 of the Public Finance and Audit Act to inspect, examine and audit the accounts of the University accordingly the University is a public authority as defined by section 3 of the ICAC Act. The University is a vast and complex organisation with a range of managerial and administrative functions and as the organisation has grown and modernised information technologies have become more important than they once were. Practically the University has a number of workplaces that are remote from the main campus at Darlington and a need for flexibility in employment means that the University needs to utilise a large number of independent contractors and casual staff in relation to particular projects.

Given the University requires flexibility in management a great many University managers including Mr Meeth at the relevant time hold delegated

authority with regard to expenditure. With such delegation comes an institutional trust that duties are acquitted lawfully and in compliance with the University's published policies and protocols. Officials who are able to spend public funds pursuant to delegated authority are obliged to spend that money pursuant to impartial dealing and without corrupt motives. The University has tens of thousands of external suppliers in any given year so that close scrutiny of each and every contract is almost as impossibility. This inquiry does not seek to challenge the University's use of contractors but is designed to examine whether procurement practices under existing University policies contributed to any corrupt conduct that might be found in this matter.

It's important to appreciate that this Commission after a public hearing in relation to Operation Citrus made seven recommendations designed to discourage and stymie corrupt conduct in terms of ICT recruitment at the University. The linchpin of these recommendations was that the University ought to use the services of multiple C100 companies in competition with each other to recruit information technology contractors. I anticipate that there will be evidence concerning the change in University policies and procedures in the recommendation implementation phase following Operation Citrus and that there is likely to be material about further changes since the events being explored here came to the attention of the University authorities. It will be obviously, however, that given this Commission's remit and past and more recent challenges in this particular recruitment area for the University there will be a need for a steady focus on what other measures might be identified and the subject of recommendation to avoid the possibility of future corrupt conduct concerning the recruitment of ICT and other personnel.

During the relevant period being February, 2012 to July, 2013, the University had a number of policies that governed employment responsibilities, procurement and the expenditure of money. These policies had been altered in line with those previous recommendations of this Commission. What I might describe as a primary document, the Code of Conduct prohibited an employee from using their position to procure a financial benefit either to themselves to otherwise outside the terms of their employment. This has been a long standing policy and it has been updated from time to time over the year and I would hope to deal with that in more details as the enquiry proceeds.

There was also a contractor procurement policy that mandated a particular procurement policy for goods and services under a certain dollar amount. Given the way the University has developed its policies, short term casual contracts fell within the procurement policy rather than the staff recruitment policy. Finally an anti-corruption policy commenced at the University in 2007 which was in affect throughout the period of Mr Meeth's employment. As indicated these policies varied in minor respects throughout the relevant period but in essence policies to that affect applied.

It was expected that senior employees and managers would seek out, read and understand the policies that applied to their particular responsibilities. It was expected that employees would abide by the relevant procedures. Reliance on a Code of Conduct with the assumption that employees will have read it and having read it actually apply it in their dealings with and for the University is regrettably insufficient to guard against the possibility of corrupt conduct.

- 10 The evidence suggests that there was a failing by management more senior than Mr Meeth to identify that policies were being breached during the relevant period. It's alleged that during the relevant period Mr Meeth, having originally been employed as a contractor was employed permanently as head of projects in the ICT Department of the University. As a result of significant organisational change in 2011 the Project Management Office otherwise known as the PMO was created to foster centralised project management skills and accountability within the ICT Department. In accepting his role as head of projects, Mr Meeth acknowledged that he had read, understood and would comply with the University's Code of Conduct.
- 20 Evidence also establishes that in his letter of offer for that position he was informed of an obligation to comply with the University's policies.

- Mr Meeth had responsibility for the recruitment of contractors as required for the University's ICT projects. During the relevant period the University was required to use New South Wales C100 accredited companies when engaging external ICT contractors. The practice had been that the University would typically approach a number of C100 companies to obtain up to three quotes from each for candidates in relation to an advertised position. It then fell to the C100 companies to source suitable candidates for the University to consider. There was a clear and rigorous process for reviewing candidates and a former colleague of Mr Meeth will attest to his deviations from policies I expect, in the recruitment process.
- 30

Upon a C100 company recommending a candidate who ultimately had a contract authorised with the University, the relevant C100 company would generally retain up to about 10 per cent of the gross payment received under such a contact with the balance being paid to the individual contractor retained.

- 40 Canberra Solutions Pty Ltd was not an accredited C100 company. Canberra Solutions had a sole shareholder and director, as I've said Ms Sonata Madambikat Devadas and both Ms Devadas and her husband, Balu Moothedath, ran the company on all the available evidence. The Commission will be required to consider evidence in this inquiry which suggests that Mr Meeth and Mr Moothedath made arrangements which enabled Canberra Solutions to put forward candidates for the University's consideration despite Canberra Solutions not being an accredited C100 company.

It's anticipated that the evidence will establish that Mr Meeth recommendation Canberra Solutions to certain C100 companies or vice versa and provided them with Moothedath's contact details. At least some of these C100 companies would then make contact with Mr Moothedath who would provide them with the names and resumes of ICT contractors to be considered for engagement by the University. C100 companies would in turn put forward these contractors to Mr Meeth as candidates for relevant positions together with the résumés of those candidates.

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The evidence will reveal significant contact during the relevant period between Mr Meeth and Mr Moothedath who had known each other through professional contact before Mr Meeth was appointed to his roles the University. Mr Meeth took steps to have C100 company representatives as I've said contact Canberra Solutions. Candidates were proposed often without any screening, checking or interviewing of the candidates by the relevant C100 personnel. This meant that the safeguards envisaged by this Commission in its Operation Citrus recommendation and by the University in changing its policies were subverted. In a number of cases the University through Mr Meeth's actions ended up with wholly unsuitable contractors who had not been properly vetted by accredited C100 providers.

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There are four broad classes of witnesses to be called to give oral evidence against the backdrop of a significant tranche of documentary evidence garnered during the investigation which I would anticipate tendering in due course. Relevantly evidence from the first group of witnesses, being persons employed at the University at the relevant period will disclose that a disproportionate number of candidates were sourced originally from Canberra Solutions and selected for employment as a result of decisions made by Mr Meeth consequent upon him sitting on selection committees and it is alleged exercising his functions in a partial fashion to advantage Canberra Solutions and on the current inferences available to also financial benefit himself.

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Current and past employees of the University will give evidence about University policies and procedures and in particular the proper conduct of recruitment procedures in the PMO. Two of the early witnesses, Jovan Apostolovic and Sean McNulty will explain I anticipate in some detail their views about the proper application of policy and procedure as they understood it and make observations concerning the way Mr Meeth's conduct diverged from policy and how concerns about his improper practices started to come to light.

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The second broad group of witnesses are ICT contractors who dealt with Canberra Solutions and often Mr Moothedath personally before being awarded contracts with the University. Mr Pranav Shanker will give evidence later today, and I anticipate calling evidence tomorrow from each of Dhawal Prakesh, Parekh I'm sorry, Anu Batra and Anthony Azrak who

were also contractors. Material in relation to other contractors not to be called in this hearing has been examined and is available for consideration by the Commission.

I expect that having heard from those contractors the Commission will have before it material that suggests among other activities that Mr Moothedath (1) warned at least one contractor about the possibility of the Independent Commission Against Corruption investigating matters concerning his contract with the University, (2) asked at least one contractor to provide
10 false information to the investigators of the Commission if approached, (3) asked at least one contractor to sign a backdated contract with Canberra Solutions once Mr Moothedath was aware that the Commission was investigating, (4) entered into a false employment contract between Canberra Solutions and one contractor's spouse for what seems to be fraudulent purposes and possibly to create undue influence on the contractor himself and, (5) at the relevant time advised contractors, and this is important, of daily rates which they would be paid that were significantly less than the rate in fact being paid by the University for their services.

20 One example is Ms Anu Batra. She will give evidence that she was told that she would be paid a non-negotiable daily rate of \$290 which is inconsistent with the \$750 a day provided for by the contract between the University and Greythorn, the C100 company that proposed her at the behest of Canberra Solutions. The \$750 is likely to be in fact less than Greythorn's applicable percentage but for current purposes the inescapable inference is that Canberra Solutions was pocketing the \$750 less Greythorn's 10 per cent fee and the \$290 actually paid to Ms Batra. So even on those conservative
30 calculations that's \$385 a day to Canberra Solutions. In other words, in Ms Batra's case more than half the contracted full daily rate flowed into the coffers of Canberra Solutions less of course any funds flowing back to Mr Meeth.

The scale of the improper profitability of the enterprise invites the Commission to explore what advantages Mr Meeth received for enabling Canberra Solutions to indirectly place so many successful candidates and on such handsome terms for Canberra Solutions with the University for ICT work. There are other examples of the same methodology and disproportionate benefit flowing to Canberra Solutions.

40 This seems to demonstrate that the University was repeatedly being required to pay a significantly higher rate than was in fact payable to the individual contractors. While there is no evidence to suggest that the recruitment personnel with the involved C100 companies were on actual notice of the deception being visited on both the University and the individual contractors, at least one C100 accountant manager seems to have been aware of actions by Canberra Solutions to deceive certain contractors as to the scale of the margins being kept by Canberra Solutions.

I also anticipate that having heard from various contractors the Commission will be able to be satisfied that Canberra Solutions' candidates were not screened and interviewed by the C100 companies before being recommended to the University for consideration in the way that their own candidates were screened for instance.

10 The third cohort of witnesses will be recruitment personnel from C100 companies being Davina Marshall, Jean Gazo and finally Samuel Williams. It is expected that they collectively will give evidence about their involvement in some of the recruitment transactions being explored in this inquiry. For example, Ms Davina Marshall, at the relevant time working for Greythorn Pty Limited or a subsidiary that was also called Greythorn Smalls, a specialist IT recruitment firm with accredited C100 status, will tell the inquiry that she came to know of Balu Moothedath and Canberra Solutions from Ms Meeth in his role of head of projects.

20 Ms Marshall understood that Mr Moothedath to be the principal of Canberra Solutions and was told by Mr Meeth that the company would provide contactors to the University. Ms Marshall proposed candidates from Canberra Solutions for positions with the University but did not undertake any interviews with them and the University set the relevant daily rates that might be payable. Ms Marshall's evidence will be that she had no direct contact with any Canberra Solutions contactors including Ms Batra who she successfully placed for contract with the University.

30 Although Mr Meeth did not specifically communicate this to Ms Marshall, she formed the view that if Greythorn did not work with Canberra Solutions as proposed by Mr Meeth, opportunities to propose candidates to the University might dissipate.

Ms Marshall will also testify that one of the candidates Greythorn proposed on behalf of Canberra Solutions and that was employed by Mr Meeth had his contract terminated for poor performance. It's anticipated that the other witnesses from C100 companies will similarly assist the Commission's appreciation of how Mr Meeth and Canberra Solutions operated to achieve the retention of candidates really being sourced from Canberra Solutions rather than the C100 company, with the C100 company really acting as an intermediary.

40 The remaining cohort of witnesses are those to whom it falls to explain, if they can, provide any innocent explanation for what would seem to be at face value significant departures from proper practice in recruitment and proprietary and honesty in contacting. Those witnesses will give evidence toward the conclusion of the public hearing and it is anticipated they will be called in the following order, Balu Moothedath, Sonata Devadas and finally Mr Jason Meeth. It is to be hoped that upon careful examination those witnesses will make clearer the Commission's preliminary understanding of their respective dealings and financial circumstances.

It is anticipated that the respective roles of Mr Moothedath and Ms Devadas might be illuminated. A careful eye needs to be cast over discrepancies between those contracts, the C100 firms might have entered and the documentation in fact provided to the various contractors themselves. Both offices of Canberra Solutions will be called to account for a range of issues to be revealed by the accounts of the contactors with whom the company dealt.

- 10 A particular matter for exploration will be some consideration of Mr Meeth's personal financial affairs. In particular, the evidence is expected to disclose that during the relevant period Mr Meeth's bank account were credited with cash deposits totalling around \$29,000 in circumstances where, Commissioner, you will ultimately need to determine where there's any legitimate basis has been established for the receipt of those funds. Some putative legitimate sources for receipt of those funds are likely to be excluded on the basis of the evidence ultimately before you in this hearing. An inference that you may ultimately chose to draw or not, depending on the evidence that falls in this enquiry is whether those funds represent some
- 20 financial benefit flowing to Mr Meeth as a result of Canberra Solution's ability to play a number of candidates into contracted positions in the University with a significant financial benefit flowing back to that company.

As indicated I expect that the evidence before this Commission will establish that Canberra Solutions, whether by the agency of Mr Moothedath, Ms Devadas or both of them negotiated payment rates with various contractor candidates that were significantly less than the rate at which they were ultimately contracted to the University.

- 30 It follows that Canberra Solutions was receiving as I've said a far greater proportion of the contract price say than the 10 per cent which would normally legitimately flow to a certified C100 company for such recruitment work. The evidence would suggest that notwithstanding past recommendations by this Commission after public hearings in relation to Operation Citrus the University's policies and procedures in place at the relevant time enable conduct of the kind being explored here in relation to Mr Meeth's discharge of his duties as head of projects in the ICT Department.
- 40 There will be evidence that the University has introduced further measures and introduced changes to policies to better safeguard against the possibility of similar future conduct but it will still fall to this Commission to determine whether there remain appropriate other recommendations to be made. Pursuant to section 13(i)(a) of the Act part of the Commission's investigative function includes an examination of, and I quote "conduct liable to allow, encourage or cause the occurrence of corrupt conduct". With that in mind one purpose of this public inquiry will be to establish the facts that allowed any corrupt conduct to occur and to establish what

systemic changes can or ought to be made to prevent the conduct from reoccurring.

In relation to this aspect of the inquiry there are three sets of relevant systems and processes in place at the University to be explored. The first relates to the labour hire process used by the ICT staff from the University to engage labour hire. The second relates to the whole of Government contract that was used to engage contractors and the third system concerns the ICT management of the PMO in that the contractors in question were
10 hired by the PMO to work on relevant ICT projects. This inquiry as I've said aims to examine any corrupt conduct by Mr Meeth, Mr Meeth's relationships financial or otherwise with Mr Moothedath, Ms Devadas and Canberra Solutions. It will also be necessary to explore how the system allowed such conduct to occur and go undetected during the period that it was undertaken and what the University has done and needs to do in order to minimise the prospect of future corrupt conduct. Thank you,
Commissioner.

20 THE COMMISSIONER: Thank you, Mr Hunt. Yes, I'll take a short adjournment and resume at 11 o'clock, thank you.

SHORT ADJOURNMENT

[10.48am]

THE COMMISSIONER: Yes. I'll take applications for leave to appear. Yes, Mr Griffin.

30 MR GRIFFIN: Commissioner, I appear with Ms Fleeton and I seek authorisation to appear for the University of Sydney.

THE COMMISSIONER: Yes. Thank you, Mr Griffin. That leave is granted. Yes, anyone else?

MS HUGHES: Commissioner, my name is Hughes. I seek leave to appear on behalf of Davina Marshall.

THE COMMISSIONER: Yes, Ms Hughes, that leave is granted. Yes.

40 MR CHALMERS: Yes, good morning, Commissioner. My name is Michael Chalmers.

THE COMMISSIONER: Yes, good morning, Mr Chalmers.

MR CHALMERS: Thank you, Commissioner. I seek leave to appear for Neill Li, L-i.

THE COMMISSIONER: Yes, thank you. That leave is granted.

MR CHALMERS: Thank you, Commissioner.

MS McGLINCHEY: Commissioner, my name is Karen McGlinchey, Solicitor.

THE COMMISSIONER: Yes.

10 MS McGLINCHEY: I seek leave to appear for Mr Samuel Williams.

THE COMMISSIONER: Yes, thank you, Ms McGlinchey. That leave is granted.

MS McGLINCHEY: Thank you.

MR ISAACS: May it please the Commission, my name is Isaacs, I-s-a-a-c-s. I seek leave to appear for Ms Diana Meeth.

20 THE COMMISSIONER: Yes, thank you, Mr Isaacs. That leave is also granted.

MS ROUGHLEY: Commissioner, my name is Roughley, R-o-u-g-h-l-e-y. I seek leave to appear for Mr Niall O'Rourke and his employer Michael Page (Australia) Pty Limited.

THE COMMISSIONER: Yes, thank you, Ms Roughley. That leave is granted.

30 MR DENNIS: Commissioner, my name is Dennis, D-e-n-n-i-s. I seek leave to appear on behalf of Jason Meeth.

THE COMMISSIONER: Yes, thank you, Mr Dennis. That leave is granted. Anyone else? No. All right. Yes, yes, Mr Hunt.

MR HUNT: I call the first witness. His name is Jovan Apostolovic, and I don't believe the witness is represented.

40 THE COMMISSIONER: Now, yes, Mr Apostolovic. You aren't represented here today I take it:

MR APOSTOLOVIC: No, I'm not.

THE COMMISSIONER: Are you familiar with the availability of an order under section 38 of the Act?

MR APOSTOLOVIC: Yes.

THE COMMISSIONER: I'll explain that to you so that you understand what the procedure is. You must answer the questions asked of you truthfully and because you must do so there is always the possibility, I'm not suggesting this is the case, but in the event that there's a possibility that your answers might incriminate you in some wrongdoing you would normally have the capacity to object to each and every question as it is asked and that protects you from the use of your answers against you in any future civil or criminal proceedings, but I can make an order under the Act which operates as a blanket objection so that effectively all of your answers thereby are not able to be used against you in civil or criminal proceedings. There's an important qualification to that order, that is that the order doesn't protect you if it should be found that you have lied or misled the Commission because in those circumstances your answers could be used against you in a prosecution under the ICAC Act. Do you understand that?

MR APOSTOLOVIC: Yes.

THE COMMISSIONER: Yes. Would you like the protection of the order?

MR APOSTOLOVIC: Yes.

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

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

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THE COMMISSIONER: Would you like to be sworn or affirmed, I'm sorry, Mr Apostolovic?

MR APOSTOLOVIC: Just like - - -

THE COMMISSIONER: Affirmed.

MR APOSTOLOVIC: Affirmed, yeah.

THE COMMISSIONER: Thank you. Could we have him affirmed, thank you.

<JOVAN APOSTOLOVIC, affirmed

[11.05am]

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Is your first name Jovan?---Yes.

Spelt J-o-v-a-n?---Yes.

10 And your surname is Apostolovic?---Yes.

Spelt A-p-o-s-t-o-l-o-v-i-c?---Yes.

Mr Apostolovic, you were born in Belgrade in Serbia?---Yes.

And you first came to Australia in about 2008, is that right?---That's right, yeah.

20 And the position is that you have a Bachelor of Science in Information Systems Management from the University of London?---Yes.

And what date were you awarded that Undergraduate Degree?---Let me think.

Roughly?---That was October, 2007.

Thank you. And then since being in Australia from the University of Sydney you were awarded a Master of Commerce in Business Information Systems?---Yes.

30 Did you first come to work at the University casually?---Actually I worked all the time casually so, yeah.

Yes. And it was about 2008 that you had your first casual appointment to the University?---No. I worked previously with the University on various appointments before I started working in ICT, yeah.

When you first started to work in the ICT area, who was the person that you reported to?---I reported to Christiaan Potgieter.

40 And that's P-o-t-g-i-e-t-e-r, I think?---Yes, yes.

Thank you. And was there a time that you came to report to a person by the name of Jason Meeth?---Yes, when Christiaan left the organisation then Jason was appointed and from then on I reported to Jason.

And was it in 2012 or some other time that you first commenced to report to Mr Meeth?---That was roughly February, 2012.

All right. Now we're going to come through other things in the chronology but you ultimately ended your employment when?---I left the University, I think in July, 2012.

And was that leaving of the University voluntarily or otherwise?---No. I was served with two weeks' notice to leave.

10 And even though that might've come from the University generally, who provided you with notice that you were no longer required?---Jason Meeth provided me with notice.

All right. And were there ultimately some unfair dismissal proceedings?---Yes, there was.

And that was resolved without the need for final litigation?---Yes. There was an agreement before the initiation of the process, so, yeah. So - - -

20 Thank you. All right. Would you briefly explain your role within the University relative to Mr Meeth at the time that you first commenced to report to him?---Before, before I started to commence to report?

No. At the time - - -?---At the time.

- - - you commenced to report to him - - -?---Okay. Yeah.

30 - - - just describe lines of authority and what your work was and what structure you worked within?---Yes. So we had a Project Management Office and Mr Meeth he was the head of Project Management Office and I reported directly to him. There was some other - I was the Project Management Office Coordinator. There was some other coordinators as well. I believe at that time two others. However, they, they were gradually working on some other things not really that much Project Management Office and I think they were mostly reporting to someone else so I was, I think, the only one who was all the time directly reporting just to Jason. And then Jason, later on he employed a program manager, Edward Bailey, who was also part of the PMO. As PMO coordinator I did a variety of functions, for example reporting about the progress of projects, then looking at the budgets, at the time sheeting for the staff, schedules, risk and issues
40 and as well once Jason joined the recruitment was a big portion of, of what we did and - - -

MR HUNT: Well, just pause there for a moment and we'll break a little bit of that down. If you were the Project Manager Office coordinator what was Mr Meeth's role? He supervised you but can you remember the name of his title?---I think he was called head of projects because there was another person who was called head of PMO and they didn't want to call it the same way because then that person would be able to sue them or something, that

was what I heard because they didn't want to be exposed to that option and so they just changed that name but it's pretty much the same position which before existed but they just brought it again.

10 All right. Let me just understand. You're saying that in terms of the other project manager management coordinators that it was your view that they seemed to be report elsewhere in the hierarchy then to Mr Meeth?---I think so because they were working on some other portions. They would also report to Jason but they were more involved with some other things rather than the centralised PMO functions, yeah.

All right. Did you know of another project management coordinator while you were employed at the PMO that was particularly involved in recruitment in the way that you were?---I don't think any, anyone else was an involved as me, no.

20 All right. Are you able to say whether you would consider at your level you were the only person dealing with recruitment within the PMO?---Probably yeah, I, I would say a major chunk of, of recruitment work I would do, yeah.

All right. I want to ask you a question about your knowledge of University policies, practice and procedure and I want to start by asking you when you first started to work casually with the University in the ICT area did you have any training about what the Code of Conduct said, what policies were and things like that?---No, I had no training.

30 All right. When you commenced to work under Mr Meeth's supervision or put another way when he commenced to supervise you instead of Mr Potgieter was there any induction where you had it explained by Mr Meeth what the Code of Conduct was or other policies?---I wouldn't call it an induction, it was more that we were just told okay, now there's a C100 list and we just have to only recruit through recruitment agencies who are on that list but it wasn't really any kind of a meeting or a training, it was just told like that in - - -

40 All right. All right. Just pause there for a minute. Are you able to assist the Commissioner as to who within the organisation, that's who within the University, first told you when it came to recruiting contractors that there was a need to use C100 companies?---I think that started to be mentioned from the beginning of the year before Jason came, even Christiaan I think he told me, okay, now we have this C100 so - - -

All right. Just to break that down when you saying - - -?---Yeah, yeah.

- - - Christiaan that's Mr Potgieter?---Mr Potgieter, that's right. I think that was January 2012.

All right. Did you understand that that was a preference to use C100 companies or that was it was a requirement to use C100 companies?---Yeah, I understood it was a requirement, yes.

All right. And that was something that you knew before Mr Meeth started to supervise you?---Yes.

10 Did you understand from your dealings with him when he commenced to supervise you that that was something that he understood?---Well, he understood it but he also told me that it was possible to subcontract so that some other agency which is not on the list would have a contract with the agency on the list and that way we could kind of broaden up our pool so that if there is a candidate which, which we prefer and he's not represented by C100 they could get that candidate as well. So that's how he put it.

20 All right. So in terms of the first part of that that you understood that Mr Meeth understood that it was a requirement to use C100 companies to recruit contractors how did you know that? Did you have a conversation with him or was – just explain to the Commissioner what makes you think that Mr Meeth knew that there was a requirement to use C100 contracted companies?---I think we talked about once and that's, that's, that's the occasion when he told me about that subcontracting and then we ah, I just ask him so this is the only list we can, we can use, is it the only agency then and he said that's right but there's still an option of using other agencies so - -

30 Can I ask you in relation to a conversation about being able to use other agencies whether that was a conversation that focussed on any other particular company or agency when you first had a discussion with Mr Meeth about that?---He didn't mention any other particular, he was just saying any, it could, it could be any agency it's just that if it happens that the certain candidate is, is really the best candidate and he's not represented by C100 then that would be a way for us to get the best candidate even though, even though he is, he is not on that, his agency is not on the list.

All right?---That's what he said.

40 Did you have any understanding when - I withdraw that. Are you able to say roughly when you were having a conversation about that with Mr Meeth?---That was probably at the time that he joined the University and then we were kind of introduced to each other and we talked about different things and probably I think if he came in February 2012 so that first maybe two weeks I would say.

And did you have an understanding from that conversation how either the PMO or the University generally would come to know about candidates from agencies that weren't C100 agencies?---No.

All right. Did you at some stage come to understand that a company existed called Canberra Solutions Pty Ltd?---Well, when I was at the private investigation I was shown that email that Jason sent me and he asked me is this company on the C100 list but - - -

All right. Well, bear with me, I'll come, I'll come to the document?---Yeah, yeah.

Just pause there?---Yeah.

10

If you, if you need to refer to a document - - -?---But before I saw that document I couldn't remember that agency because it wasn't really mentioned much.

All right. Well, I'll take to you a document - - -?---Yeah, okay.

- - - in fairness in a moment?---Yeah.

20

Commissioner, it's now at a point when I'm going to ask the witness to look at a document.

THE COMMISSIONER: Yes.

MR HUNT: Is it convenient to you if I tender the whole of the material that's currently - - -

THE COMMISSIONER: I think it's probably better if the whole of the brief is tendered and then we can refer to the individual documents, yes.

30

MR HUNT: Yes.

THE COMMISSIONER: Yes.

MR HUNT: All right.

THE COMMISSIONER: So the - - -

40

MR HUNT: And in that regard, your Honour, I apologise, Commissioner - - -

THE COMMISSIONER: That's all right.

MR HUNT: Old habits die hard. There are two compulsory examination transcripts that have currently only been published to the restricted website in relation to which I would seek declarations that the full publication be permissible before I tender the whole of the brief and they're the examinations of Diana Meeth and Patricia McNally, M-c-N-a-l-l-y for the record.

THE COMMISSIONER: And Ms Meeth's CE was on what date?

MR HUNT: It was on 28 October, 2015.

THE COMMISSIONER: And Ms McNally's was?

MR HUNT: It was on 3 November, 2014.

10 THE COMMISSIONER: Thank you. All right. Well, the non-publication order that previously existed in relation to the transcript of a compulsory examination conducted with Ms Meeth on 28 October, 2015 is lifted and the non-publication order in relation to a compulsory examination transcript of 3 November, is that 2015?

MR HUNT: It is 2015.

THE COMMISSIONER: Of Ms McNally is also lifted and so should we mark the whole of the brief in relation to this public inquiry Exhibit 1?
20

MR HUNT: Yes, please.

THE COMMISSIONER: Right. I'll mark that Exhibit 1.

#EXHIBIT E1 - LARGE VOLUME OF FOLDERS BEING THE PUBLIC INQUIRY HEARING BRIEF FOR OPERATION ELGAR

30 **NON-PUBLICATION ORDER IN RELATION TO THE TRANSCRIPT OF A COMPULSORY EXAMINATION CONDUCTED WITH MS MEETH ON 28 OCTOBER 2015 IS LIFTED**

NON-PUBLICATION ORDER IN RELATION TO THE TRANSCRIPT OF A COMPULSORY EXAMINATION CONDUCTED WITH MS MCNALLY ON 3 NOVEMBER 2015 ALSO LIFTED

40 MR HUNT: Yes, and if I could just note for the record that some of the material has been redacted.

THE COMMISSIONER: Yes.

MR HUNT: It's been redacted just to take out - - - - -

THE COMMISSIONER: The usual practice.

MR HUNT: - - - personal material - - -

THE COMMISSIONER: Yes.

MR HUNT: - - - like signatures and so on.

10 THE COMMISSIONER: Right. Well for those in the profession who aren't familiar with the practice, the material in the brief is redacted to the extent that it might reveal personal identification information and if anyone is professionally required to access that material for the purposes of their representation, could you please raise that with Mr Hunt at some later stage and we'll provide that material in the appropriate form. Yes, Mr Hunt.

MR HUNT: And could I indicate following on from what you've just said, Commissioner, that I will in a few isolated incidents have to take witnesses to - - -

THE COMMISSIONER: To that material.

20 MR HUNT: - - - particular signatures.

THE COMMISSIONER: Yes.

MR HUNT: And if there are those who have leave to represent witnesses who need access to a document for that purpose during the course of their cross-examination with leave those who instruct me we'll make some arrangements so that the physic, the document with the proper signature or the identifying material can be shown to the relevant witness.

30 THE COMMISSIONER: Right. Thank you. Right.

MR HUNT: Could the witness please be shown page 93 of volume 2.

THE COMMISSIONER: It should come up on the screen shortly. Can you see that, Mr Apostolovic?---I can't see anything - - -

MR HUNT: Now, would, would you just - - -?--- - - - on the screen.

40 THE COMMISSIONER: You might - - -?---Okay. I can see it now, yeah.

MR HUNT: All right. Could you - - -?---Yeah.

- - - make an adjustment so that you can see down the very bottom there is an email that is ultimately forwarded to you at the second entry from the bottom. Do you see that?---Yes, I see it, yeah.

And do you see that at the bottom there's an email that seems to have been sent from Canberra Solutions and says, "Hi, Jason. Please find the résumés of two PM candidates"?---Yes.

"Kindly let me know how you would like to proceed." Do you see that?---I see that, yeah.

PM is project manager?---Yeah, that's right, yeah.

10 Thank you. And do you see there, "Regards Balu Moothedath - - -?---I see it, yeah.

- - - Canberra Solutions Pty Ltd as the signatory - - -?---I see that, yeah.

- - - the electronic signatory?---Yes.

Moving up the page do you see that at – on the same day, that's 4 April, 2012 at 2.44 in the afternoon that email has been forwarded by Mr Meeth to you?---Yes, I can see that, yeah.

20

May I ask you when you first received that email, thinking about it now is that the first time that you knew about Canberra Solutions?---I think so, yeah. I think that's the first time. What happened is that what I did is during – throughout the recruitment stage I would just be in touch with these agencies on the C100 list but I wouldn't really be in touch with this person Balu because I was, I was sourcing résumés from them, from Davina Marshall and Jean Gazo and these other people but I wouldn't really communicate with Balu so I think this is probably very few times the, the Canberra Solutions was actually showed up to - in my emails or, or to me was mentioned rarely to, yeah.

30

All right. Knowing what you now know do you have a view about whether if Mr Meeth had specifically spoken to you about Canberra Solutions at a time before this email that's something that you would likely remember him singling out discussion of a company that was not a C100 company?---Well knowing what I know now probably yes. But as I told you when I came to the private hearing I, I, I – it was mentioned so few times that I couldn't really remember it once I was shown this email, yeah.

40 All right. Going up to the third entry from the bottom which is your response to having had the email forwarded a couple of minutes after you received it, you say "Hi, Jason". And I presume that's addressed to Mr Meeth?---Yes, yes.

"I do not see Canberra Solutions on the C100 list at all". See that?---Yes, I see that, yeah.

And then you have pasted into the email I'd suggest?---Yes.

A link that takes you to the - - -?---To the list.

- - - accredited list of C100 companies?---Yes, yes.

Understanding the time frame that is that you received the email at 2.44pm and this is a response at 2.46, do we understand that having got the email and it being addressed from Canberra Solutions that you checked that resource to see whether Canberra Solutions was there?---Yeah. I checked
10 and then I just let Jason know that it's not on the list, yeah.

All right. And can I ask by this stage of proceedings, in other words by April, 2012 having worked with Mr Meeth for a little while by then, were there a number of C100 companies that you were familiar with in terms of recruitment by that stage at the University?---Yes. I was quite familiar with Davina Marshall and Jean Gazo and those were our kind of, I mostly kept in touch with them. Yeah, so Greythorn and what was the other one called, no, I can't remember now, that Talent International, right?.

20 Talent International?---Yeah, yeah.

And was Paxus a firm that you had dealt with as well?---Yes, Paxus as well, yes.

And was that Mr Williams at Paxus that - - -?---Mr Williams, yes. So those were the three main, main, main sources of, of resumes and candidates, yeah.

All right. Now going up to the next entry at the very top of the page you'll
30 see this would seem to be Mr Meeth's response back to you. Once again a couple of minutes later. It says "Hi, Jovan". It says "There are not", but I presume that is meant to say "they are not a C100 company but they, maybe they are subcontracting through the C100. You will need to contact them to confirm or advise them that we can't use them unless they are". You see that there?---Yes, yeah, yeah.

Was that in context the time that you first had a discussion in any form with Mr Meeth about this idea that non C100 companies could subcontract through C100 companies and properly send candidates for consideration by
40 the University?---I think we had that discussion a bit earlier than that but my memory might, might be, might be, you know, tricking me. But I, I, as far as I can remember I think we had it maybe March or even February about that subcontracting issue, yeah.

Did you ever understood, did you ever understand how that actually worked, that is what the mechanism was that a non C100 company could properly engage in the process?---Well, I didn't really understand it, yeah. Jason didn't go into details how it works out he just told me there was a contract

between the non C100 and C100 and the University so there are three parties with two contracts in between so, and then that C100 agency would be an intermediary between the non C100 and the University.

Did he point you to any policy or - - -?---No, no.

- - - procedure manual that set out how that should happen?---No, he didn't.

10 And in relation to what Mr Meeth asked you to do at the top of that email on page 93 did you ever do that, that is, did you ever have a contact with either Balu Moothedath or anyone at Canberra Solutions to find out which C100 company they were using?---I can't remember that, I don't think I contacted Balu, yeah, I don't think so.

And would you now remember whether Mr Meeth ever told you that he contacted Canberra Solutions about that?---I am not sure to be honest, I can't remember.

20 Could the witness please be shown page 91 - - -

THE COMMISSIONER: Yes.

MR HUNT: - - - of the same volume. Do you see there this is an email from Mr Meeth addressed to two email addresses that I'll just ask you to accept link to Canberra Solutions?---Yeah.

30 Can you see it says, "Hi Balu, you will need to confirm which C100 company you are providing resources through. You might want to consider the below but it's up to you" and then there's, there's some contact details for Samuel Williams at Paxus below?---Yeah, I see that.

You see that there. Have you ever – did Mr Meeth show you that back at the time?---No.

Did he say I'll follow up with Canberra Solutions about the C100 thing? ---No, he didn't say that.

If you accept that his email to you was 2.48 on 4 April - - -?---Yes.

40 - - - asking you to be in contact with Canberra Solutions and you see his email to Balu is at 2.46 himself being in contact with Canberra Solutions does, does that make any sense to you in terms of the office procedures that your supervisor would contact a company and then ask you to do the same thing?---It doesn't make sense.

Would you please before we come to particular contracts that arose from candidates proposed by Canberra Solutions, would you just tell the Commissioner the way in which you understood if a C100 company were

involved just talk through the procedure from the time that you knew there was a contract role to be filled in the PMO, step, step by step let us know what it was that happened?---Okay. So what, what happened - - -

And could I just – you talk quite quickly - - -?---Okay.

10 - - -so if you could just do it step by step?---Okay. Okay. So I would be told by someone, usually it would be Jason, possibly some project manager or, or a senior executive who would ask me to initiate recruitment process for a contractor. I would be told that that is a position we require. Either I would be given a short job description or I would be just orally told well, what are we looking for. I would be also told what would be the length of the contract offered and the range of the rates you are looking for.

All right. Can I just - - -?---Yeah.

- - - pause and I'll just ask you questions along the way?---Yes.

20 In terms of what we were looking for would that involve some outline of the ICT skillset or educational level that would be needed for the, for the person being contracted?---Well, quite often it would be a very, a very short description of what are we looking for in terms of a role, they would just say okay, we need a business analyst and they wouldn't really give me much information about what, what was, what kind of specific characteristics are we after. Sometimes I would be given a bit more saying that, okay, business analyst with the focus on a certain area but it wouldn't really be very, very specific and detailed most of the time.

30 All right. And you said that there would be a range of fees - - -?---From and to, yes.

- - - the kind of lowest to the highest - - -?---Lowest to the highest, yes.

- - - daily rates?---Yes.

Is that right?---Yes, that would be, there would be a range, yeah.

40 And I presume were they gross rates in terms of the contractor's fee plus the C100 person's margin, in other words the total that it was going to cost the University per day?---Yeah, it would be a total plus GST, yes.

And do we understand correctly that the top of that range would be where the budget ran out for that particular role?---Yes.

In terms of the bottom of that range in your experience would the bottom of that range have some relationship to the kind of quality of candidate that would be expected to be filling that role?---Well, what would happen most of the time is that once we have the preferred candidate that once the

preferred candidate is selected then the agent would naturally try to maximise and, and try to negotiate that highest range and most of the time we would, we would give a higher range because we would, we would say okay, this the best candidate, we need that candidate, let's go for that candidate.

All right. But what I'm trying to explore with you is let's say the range notionally was top of the range \$1,000 a day - - -?---Yeah.

10 - - - bottom of the range \$750 a day, is it a reasonable proposition that if that was the, the range for any particular role that if there was some contractor out there who was a \$300 a day or a \$400 a day person, that they were unlikely to fit the requirement that would attract a rate of a minimum of 750?---I have never seen a resume sent to me with the rate which was lower than that range, it was always within that range so all these resumes which were sent to me by the C100 agencies, they were, they were well within that range and usually even closer to the top than, than to the middle, yeah.

20 Would on occasion the range on the resume be higher so that effectively to take the job there'd be a negotiation down of the rate sought to get it within the job spec?---Sometimes but most of the time it would be within that range.

All right. But before we go on could you just help with a few acronyms? ---Yeah.

Project manager I think you've said is PM?---PM, yes.

30 Business analyst - - -?---BA.

- - - is BA?---Yes.

What about program manager?---I don't there is an acronym, they would just write it down program manager.

All right. And apart from those three were there any other roles that were regularly the subject of ICT recruitment in the PMO while you were there? ---Those were the most frequent, those three, yes.

40 All right. Thank you. So you were stepping us through the process until I interrupted you so you would, you would have a short description from whoever was needing to fill the role - - -?---Yes.

- - - that maybe a short summary about the skillset, a range of daily fees set by, not set by you but informed to you?---Yes.

And then what would you do with that information?---And also the length of contract, the initial contract offered?---Thank you. Then what - - -

And would that normally be either six or 12 months in your experience?
---Normally six months, very rarely, sometimes it might have been 12 but rarely, yeah. So with that information - - -

And can I – sorry to interrupt you again, I presume the reason for the six months is because the University’s needs for contractors changes over time?---Yes.

10 Depending on project completion?---Yes, and then it would be preferred to have a shorter contract because if it might turn out that we are not satisfied with that candidate then we are not obliged to have them for a longer time so - - -

Thank you. All right. So having all that material in mind what do you do with that material in terms of moving the recruitment process forward?--- Okay. So previously having that information I would also be told which would be the preferred agencies which I should contact so as we mentioned before it would be Paxus and Talent International and the third one, Davina
20 Marshall, I can’t remember what was her, what was her agency.

Greythorn?---Greythorn, yeah.

Yes, all right?---And then what I would do I would take that information, put it in an email and send it these three recruiters and tell them okay, can you please look at your resource pool and, and send us the résumés for the suitable candidates for this role and then I would get those résumés back, I would print them out and I would give them to Jason and the person who
30 would actually become a future supervisor of, of that, that selected candidate.

Yes?---They would shortlist those résumés and once I - - -

Can I get you to pause there. Did you ever have a role in shortlisting yourself?---No, I haven’t.

If – in your experience if it weren’t the actual program supervisor who shortlisted who in the PMO was responsible for shortlisting?---Jason.

40 All right. And are you able to make any kind of estimation across the range of jobs whether he shortlisted in the majority of jobs to your recollection?
---I think, yeah, probably he did the majority, yes.

All right. Sorry, I interrupted you again. Keep - - -?---Yes. Yes. And then once it’s - - -

So once the shortlist happened what was the next step?---Once the shortlist happens I would go back to the recruitment agency and confirm what would

be the suitable times for us to organise an interview and once that's confirmed I would just schedule it in Outlook the meeting, reserve the room and invite the, the parties who would be attending the interview and, and interviewing the candidate.

All right. Can I just ask you something about that Outlook meeting procedure. I think the position is that because you were the person scheduling the meeting, being the interview opportunity, that you would be noted as an attendee whether you were going to be on the panel or not?

10 ---That's right, yes.

Jason Meeth would almost always be noted because he would be one of the members of the selection panel:?

And the consultant through whom the candidate was being put forward would be on that meeting notation as well?---Would be on notation but they would never actually attend the meeting. It was - - -

20 That's what I was going to come to. They - - -?---It was, yeah.

They were there to put them on notice - - -?---So that they can inform the candidate and then that candidate would come to the place and at the suitable time.

So the Commission in reviewing various Outlook messages about recruitment interviews wouldn't necessarily assume that you were on the panel because you're listed as an - - -?---That's right, yeah.

30 - - - a person on the invitation and invariably the recruitment agent would not come?---They would not come, yeah.

Have you in your time at the PMO before you were dismissed ever known a recruitment agent to come to a contractor interview?---I have not been aware of that. I've never seen that happen.

Could I just interrupt you and just ask that you - - -?---Yeah.

40 - - - be shown page 96 please in volume 2. Now, just looking at the top part of that page there's an email from Mr Meeth to yourself on 12 April saying, "Will you please organise interviews for these candidates for early next week", and then it says, "I would like you - to get you along to the next round of interviews too", and your response at the very top is, "Noted"? ---Yes.

By "noted" do we understand that you would have then scheduled interviews for the candidates that were listed in the attached part of the email?---That's right.

And thinking about it now, with Mr Meeth indicating that he would like you to join the interview panel, would that be the first time chronologically that you had joined an interview panel while Mr Meeth was supervising you?
---Probably I think so, yes.

All right. You don't have an independent memory as to whether that was the beginning or not?---I don't have an independent memory. It's been a while so yeah, but I would, I would – I guess so, yeah.

10 In context that would seem to be an invitation to participate - - -?---Yes.
Yes.

- - - for the first time?---So what would happen is if this other person, the project manager or executive who is actually recruiting and asking for the candidate, if no one is coming and only Jason is at the interview then most likely I would be there as a second person so that Jason is not alone. But if there was another person, a project manager or some kind of other executive in the University then I would not be there and Jason would be with that person.

20

Did you understand it to be a formal requirement of University policy that there be two University personnel on interview panels - - -?---I was - - -

- - - to select contractors?---I was not told that. I was not told but that was the practice, yeah.

So breaking it down, the practice was if there was somebody from the actual project itself that generally there would be that person and Mr Meeth?
---Yes.

30

But if there wasn't somebody from the project being involved in the selection then it would be you and Mr Meeth?---Yes, yes.

Would it be ever anyone else within the PMO other than yourself if it was – with Mr Meeth and somebody from the PMO?---From the PMO, no. Only, only Jason or, or me, yes.

All right. Could I just ask you - - -?---But also Edward Bailey possibly once he joined. Possibly he, he would be there as well in some cases, yeah.

40

All right. And did Mr Bailey have a role that was if you like in a line management sense alongside you or was he superior to you although still reporting to Mr Meeth?---It was not clear. I was told that I'm reporting to Jason but Mr Bailey he would, he would often quite ask me to do some things so in practice it would seem that I was reporting to both.

All right. Yeah. In practice he was delegating things to you - - -?---Yes, yes.

- - - even if that didn't – there wasn't formal - - -?---Yes.

- - - line management - - -?---Yes.

- - - arrangement about that?---Yes.

10 All right. Could I just pause to ask you just something general about Mr Meeth in terms of – now that we're on the topic of delegation, was he somebody who was inclined to keep his work and responsibilities to himself or was he delegator, how would you describe him in terms of your experience of working with him during that period?---Well, from what I know he would delegate as much as he could. I would receive a lot of emails from him and they would just be forwards or further requests and just saying Jovan, can you address this, can you address that. So that most of the emails I would receive from him would be requests which someone said something to him, this needs to be done he would just forward it and say can you do this, can you do that. So I think he was delegating a lot.

20 All right. If, if the tasks that were being delegated to you by Mr Meeth involved some kind of application of policy or the code of conduct would you have the opportunity to take that kind of thing up with him?---Well, I think most of the things he would, he would delegate would be administrative tasks not, not really – he would never delegate decision making so I don't think in most of these cases there would be a need to, to discuss the policy.

30 All right. Can I take you back to the document that we were looking at and if you could look at – just accept from me that Mr Williams said that there – he'd adjusted the submission below and then if we could look at page 97 please of volume 2. Do you agree that the character of this document is a summary from Mr Williams of Paxus of candidates being proposed for a particular role?---Yes. It's a summary, yes.

40 And although there's not a heading on the top set there's a sentence that says "At any rate please find a couple of further submissions from Paxus in relation to the PM or the Project Manager opportunity and it names them. And then further down there's Balu's candidates and it doesn't name those candidates. Do you see that?---I see that, yes.

When this was, accept from me that this an attachment to the email asking you to "Please organise interviews", would you have understood that Balu's candidates were candidates coming from Canberra Solutions via Paxus?---No.

Would you have known generally what Balu's candidates meant?---No, I wouldn't.

Even though you'd seen that original email that I showed you earlier today about Balu Moothedath proposing some, did that stay in your mind this whole thing about Canberra Solutions not being a C100 company?---At that time, at that time definitely not. I didn't really hear that name mentioned much so it wasn't really in my mind so I probably wouldn't even pay attention that, Balu's candidate, so - - -

10 Just looking at 97 again, do you see that the two, if I can describe them as Paxus candidates who are named then there's a summary provided that says, for instance "Joseph is a very adaptable and experienced PM", et cetera?---
Yes.

And Karl was successful for us on assignment with Erickson and so on. Do you see that there's not that kind of summary for the two unnamed candidates at the bottom?---That's right, yeah. There's nothing not even names, yes.

20 Is that, is that kind of little summary of what a person's current accomplishments are usual when there's people being put forward for interview?---Yeah. It was quite usual for the recruitment agents to summarise and say why that candidate would be a suitable and along, along with the resume attached in the email.

30 To the extent that on page 96, Mr Meeth said "Would you please organise these people for interview". Would that process itself be the short listing or would there have been a separate short listing procedure and then there would've been some communication in this instant to Mr Williams about who had made the shortlist, can you say?---Well, in this case it looks like, it looks like firstly we – it looks like there was no, there was no short listing according to this document and I can't really remember whether, whether there was before or not. It seems like they just sent the list of candidates and all of them were straight away proposed for, for interviewing. I wouldn't call that a shortlist.

Would that be unusual if a C100 company whether proposing their own candidates or proposing candidates for another company as well that the whole of their list would get interviews and that there wouldn't be any other candidates going forward?---Yes. I think it's unusual, yes.

40 All right. So assume for current purposes that there's been a short listing procedure and there's been a communication to book suitable interview times through the C100 recruiter. I want you to limit your answers now to interviews that you went to. What is the procedure upon interview if you're sitting on a selection panel across a range of interviews, would you please explain to the Commissioner what you saw your role was, what you saw Mr Meeth's role to be and what happened?---Okay. So we would commence the interview by Jason in talking about our department and what's currently happening, what kind of projects we have. So that will last maybe around

10 to 15 minutes and after that he would ask some questions directed to the candidates and all the time Jason and me would be taking notes. Jason was, would usually ask the same questions to all of the candidates. He had maybe two or three questions he would normally ask. I remember one of them was do you, "How do you deal with difficult people because we at the University have quite a lot of difficult people"? So that was one, one question he would always ask.

10 Can I just ask you there, just for clarification, are you saying that was your own view that there were lots of difficult people at the University or that was incorporated in Mr Meeth's question to the candidate?---That was actually Jason Meeth's question, so it wasn't my view. He would, he would say "We have a lot of difficult people at the University, how do you deal with difficult people"? Yes.

All right. Staying on that for a minute, was that in fact your view? Was difficult people and conflict management a particular thing that came up for ICT contractors in your view back then?---I think it's a fair statement.

20 All right. So that was one of Mr Meeth's, I think you describe it as a standard question?---Standard question, yes.

How do you deal with conflict, difficult people, were there other what you would categorise as standardised questions?---Well, that's the one that kind of stood out and I can remember it, the other ones maybe would be "Introduce yourself, talk about yourself", and these standard questions, "Why would you like to work at the University", I think. And then at the end he would sometimes ask me "Would you have any questions for the candidate"? I would if I had I would maybe ask one question and that would be the interview.

30 All right. Having in mind your particular qualifications and the kind of tasks that were required of these contractors, are you able to characterise the questions that you would ask as to whether they were, if you like, technical or qualifications based rather than more general?---Well I think probably more general, yes.

40 Were the questions that Mr Meeth asked in your view designed to refine the quality of the candidates from the selection process?---In my opinion I, I think they weren't really that much probing the candidate they were more, more just trying to, just getting, getting some information from the candidate but not really challenging the candidate and, yeah.

Did the questions that Mr Meeth seemed to regularly ask have the character that they were capable of a subjective response, if you like?---The candidates?

Yes?---I'm not quite sure. Yeah, probably, yeah, subjective. I think so, yeah.

THE COMMISSIONER: Mr Apostolovic, sorry, could I just ask you a question. When these interviews were taking place were the candidates being interviewed with a particular project in mind? In other words was there a recruitment process because you had a particular project that you wanted to fit that candidate to?---Well in some cases we would already have a plan, how are we going to allocate that candidate but in some cases we would pick a candidate and there would be multiple opportunities and then we would later on decide where are we going to allocate that candidate.

Right. So in those circumstances where you were interviewing candidates for a particular project, were there any questions in the interview that for example, proposed a scenario that was consistent with the project in order to test the limits of the person's capacity to manage the project? Was there any questions like that?---There were but I would say they were not really frequently asked. I remember in one case there was a program with quite a lot of streams, around 10 streams and then the candidate was asked "What would you do about having all these different streams and how would you manage so many of them"? So, yeah. But I think most of the time we wouldn't really go that much into depth about the projects and actual role that would candidate would do.

Right, right. Thank you. Yes.

MR HUNT: Thank you. You said that you and Mr Meeth would take notes, where would those notes be recorded?---So we would write them down in our notebooks and then we would, after the interviews we would type it out as an impression after the interview and they were uploaded in a word document on our SharePoint our knowledge management repository of documents we had at the department. And then they would use those descriptions as an input in the documents once they finalise the contracts and they would have those assessments of different candidates as justification why that candidate was selected.

And so am I right that the impressionistic notes were entered into SharePoint to justify either recruitment or non-recruitment or the ordering of recruitment, potential recruitments?---Yeah. So, so we were – because there was an ICAC case before at the University and then everyone was saying that now we have to have, keep, be more careful and keep these records and be more, more, more, stick with the process. So we should have for every, every interview some kind of a summary of how it went and, and the justification, the percentage either accepted or rejected.

Did you ever have any guidance from Mr Meeth about particular candidates, comments from him about your feedback as opposed to his?---I don't think I had any guidance, no.

In terms of the actual selection process Mr Meeth, on panels that you're sitting on Mr Meeth's taken his notes, you've taken your notes, he's asked his questions, you've asked your questions, what was then the process in terms of ordering the candidates? What was a collaborative thing or some other process?---Well, Jason would select the candidate and then he would advise me to proceed with recruitment of that candidate.

10 So you would be – even though you'd sat on the panel you'd be – do I understand he'd have access to your impressionist feedback - - -?---Yes.

- - - but he would tell you who the candidate was?---Yes, I could give my opinion but Jason would, would make the decision who would be employed.

All right. Can you think of occasions when a – I withdraw that. First of all I just want to show the witness a document that's not in the brief if I could please, your Honour - - -

20 THE COMMISSIONER: Yes.

MR HUNT: - - - and I'll tender it at the same time because he doesn't need to see it for it to be tendered. It's a list of nine personnel and I don't believe that those in the hearing room have this document.

THE COMMISSIONER: Yes, thank you.

30 MR HUNT: What I'm showing you is a list of contractors that the Commission's investigations demonstrate originated from Canberra Solutions and these are contractors who were ultimately employed for whatever period of time or contracted for whatever period of time by the University. Do you understand that?---Yes.

Looking all those names are you familiar with them, each of them?---Not really, not each of them, I can't really remember because – some of them I can remember by name but most of them I can't really remember who, who they were, yeah.

40 All right. Were there occasions on which, whether on this list or otherwise candidates awarded contracts by Mr Meeth you had reservations about or you would have picked a different candidate?---So there were two cases I, I found it questionable that Jason selected the candidates. One was, I can't, I can't really remember the name but this was a person, a female person in maybe 40's, Indian background. She came to Australia with her husband and her husband was on a student visa and she was actually on a visa as a partner of a student and then I told Jason I think if, if he fails his subject or if for any kind of reason stops studying then she wouldn't have a visa to work in Australia and then I was saying that that might be a risk and, and why would we take her rather than someone who we had other candidates

who had quite considerable experience working in Australia but Jason didn't really, didn't really give any feedback to, to my comment so he, he would just proceed with employing - - -

And you understood that it went ahead regardless of that reservation?
---Yeah, regardless of my, my reservation he, he would, he would instruct me to, to employ her and there was another candidate - - -

No, just before we move on from that - - -?---Yeah.

10

All right. Looking at this list, do you accept that the people number 1 and number – number 2 and number 3 on the list are females but they don't seem have - - -?---They're not Indian, yeah.

- - - Indian surnames?---Yeah, that's right, yeah.

The person number 8 on the list - - -?---Probably it's her, yeah.

- - - Anuradha Batra - - -?---Probably, yeah.

20

- - - does that ring a bell?---I think probably it's her because as you said the selection process and these other people are, are male so she, she should be that, that person I think.

All right. Of the people at large before we go onto the second example that you had concerns about which names can you confidently say that you had dealings in relation to those people?---I can remember Tarunesh Sahu, I can remember Dhawal Parekh, yeah, I remember them, Pranav Shanker rings a bell but I can't really remember that much about him, yeah, so, yeah
30 probably three of them, yeah.

30

All right. And you were going to go on and tell the Commissioner about a second example where you had a different view or some concerns about the candidate that was selected. Tell us about that?---Yeah. So the second example was a younger man of Indian origin and he was a person with permanent residence however he just arrived to Australia, he have, he didn't have any kind of work experience in Australia and he only had the reference of a company in India. Again, can't really remember the name, I probably would say he's 7 or 6 and then I told Jason that might be a problem because
40 he's not really proven in Australia, he doesn't have experience and other candidates have significant Australian experience but again Jason didn't really address that concern, yeah.

40

And in general is local experience important in terms of the kind of contracts that these ICT people were working on?---Well, depends but still in my opinion if someone is proven with local experience it might be preferable to, to employ that candidate rather than someone who has never

lived in Australia and just arrived recently so it not necessarily should be the case but in some, it might, it might be beneficial so, yeah.

Is it, is it the case that you sometimes couldn't work out what it was that made a particular candidate preferred by Meeth over a candidate that you thought was better fitted for the role?---Yes, that was the case, yes.

10 To the extent that it was inexplicable to you or just a matter of concern or how would you describe it?---Well, in these two cases at least it would be inexplicable but I would just be, I would just do what I'm told because I don't have authority to make a decision and I would just proceed with recruitment.

In either of those examples you've effectively said that your input didn't make a difference to the decision, you're nodding?---Yes.

20 Are you able to say whether in either of those examples Mr Meeth was able to explain to you in the context of the field or the particular role why he picked that person despite that problem?---No, he wouldn't really explain, he would just, he would just say don't worry about that, that's fine or something like that.

Did he welcome your input about things like that?---Yeah, he would, he would welcome it but as I said it wouldn't really make a difference, yeah.

30 And then in terms of once a candidate had been selected would you just briefly explain what the process was in terms of contracting, that is who, who provided contracts and how were they executed and things like that? ---Okay. So I would contact the agent, I will let the agent know that their candidate is, was successful and then ah, I would prepare a contract and, and send it to agent for, for signoff. We would have a standard template and I would just put the candidate name and then someone else would actually tell me what the final rate is, I would put the rate there and the length of contract and then someone else would sign it, usually Jason and we would, we would get a contract from the agent signed off as well on, from their, their side and then we will have that contract and just file it was a, in as a record.

40 All right. Just look – could you look – if he might be shown at 146 on volume 2 and then we'll go to 147 after that. Mr Apostolovic, would you just look at this document when it's up?---Okay. Yeah.

Does that represent an example of one of the contracts that you're talking about, the templated contract?---That's right. Yeah, that's the standard template we would use, yes.

Now, contract authority and customer are pretty self-explanatory. Ordering officer, you're down there as the ordering officer. Could you just explain what that means in terms of this document?---Well, it means that I would

advise the, the recruiter that their candidate has been successful and that I am letting them know that, that we would – we are proposing to, to initiate the employment of that person and with the following conditions.

In this example, the contractor is Paxus and the contractor's delete Samuel Williams in relation to this contractor who is Dhawal Parekh. Do you see that?---Yes, I see it, yes.

10 When you told us earlier that you used Talent International, Greythorn and Paxus?---Paxus, yes.

Why of all the – you knew that there were more C100 contractors than that or providers than that, who told you to use those three?---Well, Jason told me that those three were the best recruiters and we should use them, yes.

20 All right. Did you sometimes use Michael Page as well?---Sometimes we would use some others to obtain résumés but most of the time we will use three, three of them, Paxus and Talent International and, what was the other one, can you remind me, Paxus, Talent International and the third one?

Greythorn?---Greythorn. Yeah, Greythorn, yeah, yeah. Most of the time we would use those three.

And when Mr Meeth told you that they were the ones to use did you know why?---Well, no. It was more like that he, he recommended them because he had good experiences with them previously and he just thought they were respectable recruiters.

30 All right. Before Mr Meeth started and you were reporting to Christiaan Potgieter - - -?---Yes.

Did he have his own list of C100 recruiters?---He didn't have his own list but we had a couple of agencies we were normally – we would normally contact and I think the list was a bit different than this one.

40 You're saying a couple, was the list smaller than Mr Meeth's list or bigger or what?---Well, we would just have maybe three or four agencies we would normally contact but the whole C100 thing and the talking about C100 was started I think in January, 2012. Before that we weren't really – we didn't really know much about C100 so, yeah. It wasn't really on our minds that we should – in 2011 that we should actually check whether it's agencies on the list or not.

Well, I'll just come back to something about that in due course?---Okay.

But moving again through this contract that is on page 146, you're saying that the total amounts down the bottom, that is specified personnel's pay

rate and contractor's cost and margins, are figures that came to you from someone else?---Yes, yes.

And do we understand you to be saying that that's usually from Mr Meeth?
---Usually from Mr Meeth, yes.

10 Would it sometimes be from the actual person involved in the specific contract or would it – that was a project I'm sorry, a specific project or would it be invariably Mr Meeth?---Most of the time Mr Meeth but sometimes – as you said sometimes it would be from the person recruiting, yes.

20 All right. And in your experience – do you see daily rate and there's the contractor's costs and margins is the last item and then there's another field below for placement fee, in your experience were the contracts that you were involved in documenting ones where there was that contractor's costs and margin rather than a placement fee?---Yes. It would be rather contractor's costs and margin rather than the placement fee. That's right, yeah.

In terms of ordering officer in your experience, that third field from the top, can you think of a reason why in terms of a contract with the University somebody other than a University employee would be mentioned as the ordering officer?---Well, I was the University employee.

30 Yeah, I'm not, I'm not suggesting anything is wrong with this one. I'm just saying if there were another one that had somebody outside the University there as the ordering officer that would be out of order wouldn't it in terms of - - -?---Well, of course, of course. If someone – how can someone who is not working for University be representing University. It doesn't make sense.

All right. And then turning to the next page if we could please. There's – and if we just scroll down the bottom there's a signature there that's blocked out but generally the signature of the contractor's delegate on contracts like this would normally be from the C100 recruitment consultant - - -?---Yes.

- - - would sign that. Is that right?---That's right. That's right.

40 And would that go off to them and then come back in a PDF form for you signed, is that how it would work?---It would come back and usually Jason would sign in the name of the University I think.

As the customer's delegate?---Yes.

And then what, a copy – a counterpart copy of that would go off then to the recruitment company would it?---Yes, yes, yes.

All right. Thank you. You were saying something earlier about an understanding about the importance of using C100 companies and to your mind that was something that developed in 2012?---Yes.

10 And did it develop because – did you understand that this Commission had made recommendations and that was one of the reasons that the, the University using C100 companies was mandatory?---Yeah. It was my understanding that because of a previous case of ICAC case with regards to the University we, we were instructed to use C100 so that these kind of issues wouldn't arise again, yes.

And you understood it didn't you to be mandatory requirement rather than just preferably?---Yes. I did understand it was mandatory but as I said, Jason mentioned that there was a possibility of subcontracting and so that was kind of a work around that it wasn't 100 per cent mandatory.

20 All right. In terms of your understanding putting to one side what Mr Meeth was telling you, in terms of your understanding it wouldn't have been right to be communicating with people that it was preferable, the position is from your point of view it was mandatory?---It was mandatory, that was right, yes.

30 And can the witness just be shown the email that's at page 110. Just have a look at this email and can you – that's an email chain between yourself and somebody called David Kirk at the University. Looking at that now can you now remember who Mr Kirk was, he's obviously an employee but - - -?---I think he was just the junior person who was working in a certain area and he was probably just trying to see how he can source a candidate for that area of the IT.

All right. And, and this communication is really you say it's important that the C100 list - - -?---Be followed, yes, but, yeah.

- - - be followed and accurate?---And accurate, yeah, yeah. And according to this it just says that regardless of which section the agency is listed under we can use that agency for other types of employment as well, other roles, yeah, as long as it's on C100, yes.

40 Could I just ask you for one other piece of clarification in terms of acronyms?---Yes.

RTH does that mean request to hire? It's not on that form but - - -?---That's right, request to hire, yes.

All right. And a RTH number is where somebody, some organisation within the University wants a contractor and a RTH number is promoted that then roles can be - - -?---Fulfilled, yes.

- - - recruited against, is that right?---Yes, that's right.

All right. Would now be convenient just to have a fairly short break, Commissioner?

THE COMMISSIONER: Yes. We'll take a short, sorry, before we do, do you want to tender the list that you showed Mr - - -

10 MR HUNT: I intended to, I'm sorry. I tender that.

THE COMMISSIONER: That's all right. That will be Exhibit E2.

**#EXHIBIT E2 - LIST OF CANBERRA SOLUTIONS
CONTRACTORS TO THE UNIVERSITY OF SYDNEY**

20 THE COMMISSIONER: Yes, thank you. Just let me know when you're ready, thank you.

MR HUNT: Thank you.

SHORT ADJOURNMENT

[12.21pm]

MR HUNT: Thank you for the time, Commissioner.

30 THE COMMISSIONER: That's all right, yes.

MR HUNT: Could I just say something for the benefit of those in the hearing room. It is proposed now that your Honour's marked the redacted brief as Exhibit 1 that material that is currently accessible through the restricted website will be loaded onto the public website so various lawyers have carefully filled out the right authorisation to get access to the restricted website, they probably won't need to use it because - - -

THE COMMISSIONER: Yes.

40 MR HUNT: - - - they'll be able to access it more broadly.

THE COMMISSIONER: Yes, but that material is nonetheless still redacted so - - -

MR HUNT: It is.

THE COMMISSIONER: Yes, thank you.

MR HUNT: You understand that you're subject to the affirmation that you took when you first came up to give evidence today?---Yes.

Thank you. I just want to ask you some particular questions about feedback forms. I think you indicated that there was a process by which when you were involved you would take notes and Mr Meeth would take notes as far as you could tell?---Yes.

10 And then they would be loaded onto SharePoint which is some computing technology?---Yes.

How would that happen usually, that is how would the reference or feedback material get onto SharePoint?---I can't quite remember but someone would have to type it out in Word and then save it and then upload it to SharePoint but I can't remember whether that's something I did or someone else.

20 Did you sometimes do it but somebody else do it from time to time?---I really can't remember, sorry.

All right. If I suggested to you that Neill Li, L-i, might have sometimes done that is that possible?---It's possible, yeah.

All right. In any event when you were taking feedback you were trying to put some accurate material that would help explain the selection committee's decision from your point of view, is that fair?---Yes.

30 All right. Could you please look at the following document which is page 116 of volume 2. That first page suggests that somebody called Lyndal Schultz was selected for a one-year contract, correct?---Yes, that's right.

And could you go to the second page please, 117, is that an example of how the feedback is entered into SharePoint?---Well, it would be copied from SharePoint to this document but yeah, it would be something like that, there would be a name of the candidate and just explanation why the candidate has been selected or, or not selected.

40 All right. So just looking at this one, higher up on the page you'll see that you were one of two people on the selection committee?---Yes.

And if you look at the rates of pay, I'm sorry, you're going to have to – could we flip back to page 116 for a minute, I apologise. If you look at the rates of pay, giving your attention to Mr Dhawal Parekh there, you'd agree that for the rates of pay there he's the most expensive of the three would-be contractors at the bottom there?---Oh, yes.

And then going over the page would you accept that Ben Hall and Tarunesh Sahu are the most expensive there?---Yes.

And those three candidates all have rates over \$1,000 a day whereas the other competitive candidates were under \$1,000 a day?---That's correct.

10 Generally was that a factor, that is if people, there were two candidates that seemed line ball with each other in terms of qualifications and suitability was the general position that the less expensive contractor would be awarded the role in your view?---I think the priority was the suitability of the candidate and not that much the rate itself, as long as the rate is within the range. Sometimes it will happen that someone would ask for a higher rate above that range which was initially set as a limit and I can't really remember whether, whether that rate was increased for a certain candidate, it's quite possible that for some of them that it has, if, if they were deemed the most suitable candidate maybe a bit higher.

20 All right. Do you know enough about the matter now thinking back to be able to agree or disagree with the proposition that candidates that were sourced originally from Canberra Solutions seemed to end up being more expensive in terms of proposed daily rate than other candidates?---Well, obviously when looking at this document those candidates you mentioned are, are the candidates with the higher rate so that's the case obvious.

All right. Now looking at this page 117 now, do you remember this exercise that Ben Hall was actually the person who was originally selected as the most suitable and only didn't take up the appointment because he declined it?---I can't really remember him, yeah, unfortunately. I'm not quite sure whether he – did he actually attend an interview or not?

30 Well this is your documents and - - -?---Yeah.

- - - and there are comments in the feedback section that suggests - - -?---Yeah. Well according to this document, yeah. He, he rejected the offer.

But on a reading of – given that there's material and at the bottom, at the top it says “Applicant's interviewed and considered applicable”, you would normally expect that he would've been interviewed, wouldn't you?---Yes. Yeah, normally you would, yeah.

40 But you don't have a particular recollection of him is that right?---Yeah. I can't remember him definitely, yes. I can remember these other people we definitely did interview these Dhawal Parekh, Tarun Sahu, Lyndal Schultz but Ben Hall I can't remember.

All right. I want to ask you a general question and then make it specific. Did Jason Meeth in terms of recruitment ever declare to you that he had a conflict of interest or a particular conflict of interest?---Never for any candidates.

And did he ever declare a conflict of interest or a potential conflict of interest in terms of a recruitment provider?---No.

And specifically did he ever declare a conflict of interest or a potential conflict of interest in relation to Canberra Solutions Pty Ltd?---He never, he never talked about any kind of, kinds of conflict of interest so no cases - - -

And did he – I'm sorry to cut you off, keep going?---Yeah. In all cases, yeah. (not transcribable).

10

And did he ever declare a conflict of interest or a potential of conflict of interest in relation to the person Ben Hall in particular?---No, he hasn't.

Even though you need your memory refreshed about particular candidates or procedures from looking at the documents, are you confident in the circumstances of this matter that if he had made a declaration of conflict of interest or potential conflict of interest ever that that is something you would recall?---Well, definitely because that's something quite important. So I think that definitely I would remember that but to my knowledge he never declared any conflict of interest.

20

Did you know back then what procedures would have to happen if there was a potential conflict of interest?---I was never told what's the procedure, no.

But if you had understood that Mr Meeth either had a commercial relationship with a recruitment provider or a personal relationship with a candidate you would expect that's something that you would know if you were sitting on a selection committee with him?---Yes. I would expect that to be declared, yes.

30

Just looking at the comments for the four candidates that were considered suitable and then the one down the bottom that wasn't and then if we could flipping over the page to 118, the comments on the unsuitable candidates seem fairly sparse, do you agree with that characterisation?---It seems like, yeah, they're not really specific, more kind of - - -

And is that generally your experience of it that the unsuitable people only get a couple of lines whereas the suitable people get more?---Because I, I would, I would think that the reason is that you don't really have to justify much. You need to justify more for the selected ones rather than the people you, that weren't selected so, yeah. Usually those would be really kind of short.

40

Looking again, I'm sorry, at page 118, see the circle around the line that – I'm going to suggest to you that even though it's blocked out this is a form that was signed by Mr Meeth. See there's a circle around "Reference checks completed, yes"?---Yes.

What does that mean in terms of the organisational things that were happening about recruitment?---Well, because we were sourcing the candidates from the recruitment agents the expectation was that the recruitment agencies would check the candidates in terms of their previous background experiences and would check references as well.

So does that mean to your view that the community – the University was relying on the C100 provider to have checked the references?---Definitely does it.

10

And apologise, 117 again. See the second candidate Tarunesh Sahu, do you remember that that was a person who was not selected for this role but was later selected for a different role?---I remember him, yes

And can you remember – I'll take you to a document in due course but can you remember whose idea it was that Tarunesh Sahu be considered for a second role or another role?---I remember it was Jason's idea. After a while – after that happened he was rejected we had another role and then Jason, Jason told me do you remember that candidate Sahu? I think he might be
20 suitable for this new role we have and let's, let's, let's contact his agent and see whether, whether he is still open for, for negotiations about bringing him on board.

All right. And could we go then to 211. Before we go to that, do you remember whether that's something that happened by email, that Mr Meeth emailed you suggesting that Sahu be considered?---Yes, by email, yes.

All right. Now, have a look at this document. Does this then seem to be – and you'll need to go over to the second page as well in a moment. I want
30 you to once you've seen both pages agree that this would seem to be the recruitment confirmation in relation to that second opportunity for Mr Sahu and that you were on the interview panel with Mr Meeth?---Yes.

Is that right?---That's correct.

Do you have any independent memory of this particular one whether Mr Sahu is the person that you thought was the best candidate?---I remember that his résumé was quite strong. He had quite a lot of experience in various industries or he worked for a lot of big names in the industry so,
40 yeah, it seemed like, it seemed like at the time that he was a really good candidate.

Can you help the Commissioner understand this, on the first page 211 Ms Adler is listed as the first choice and Tarunesh Sahu is listed as the second choice but when we go over the page the preferred candidate is Tarunesh Sahu, how, how does the Commissioner resolve those two pieces of information?---I, I, I am not quite sure but as far as I can remember I think this person Angela Adler she actually decided not to go ahead with the

recruitment because she said she was moving to Israel I think. I am not sure whether that is that person. I just remember that one of these candidates was offered employment and it was a lady, it was, it was, it, it's I think a similar name like Adler and she actually told us she is moving to Israel so that's probably the reason why, why Tarunesh was employed.

Could we now go to 256 please. You will remember earlier I asked you about cases in which you had a division of opinion with Mr Meeth and you - - -?---Yeah.

10

- - - indicated that you thought it was likely that some – the female contractor by the name of Anu Batra was the person who had visa issues that you thought compromised her relative to the other candidates. Do you remember that?---Yes, that's right, yes.

If you just look at these forms first of all at 256 and 257 and looking at 257 you accept that you were on the interview panel with Mr Meeth in relation to this recruitment?---In relation to Anuradha Batra?

20 Yes?---Yes, I accept.

And picking your comment earlier that generally the preferred candidates have greater feedback to justify their appointment - - -?---Usually, yes.

And generally the non-preferred can be dismissed rather more easily?
---Yes.

30 What I'd like you to do is look just in a little detail at the comments rather than just the volume, the kind of comments about each of these candidates starting with Mr Underwood and moving through to Ms Batra could you?
---Yeah, so - - -

40 And then you, I think you know and it's over the page on 258 that Anu Batra was the preferred candidate, apart from the visa concern which is there, "Visa status only allows 40 hours per week at the maximum", do you have a comment about this, when you look at the feedback for the various candidates and see that Anu Batra was recruited can you make any comment to the Commissioner about your view of it knowing what was required for these roles or this particular role?---Well, quite obviously the comments for Anu Batra were generic, they don't really say anything about her specific skills or experience, it could be said for anyone, communication skills, technology, it says technology skills but what kind of technology skills and business skills, nothing is specific.

What does "Is benefits focussed" mean in terms of ICT language?---Well, it would be bringing the value to the organisation, having a look at what actually the solution being implemented, what kind of value it brings and, and making sure that the benefit outweighs the cost.

Excuse me a moment. Can you just look at page 211 again which was the previous set of recruitment confirmations. Do you see that among the list agencies contacted there are four agencies there?---Yes.

ecareer, Talent International, Paxus and Greythorn?---Four agencies, that's right.

10 Four, I'm sorry. And the second, third and fourth ones are the C100 agencies that you say were most regularly used when Mr Meeth was there? ---That's right.

ecareer wasn't on the list of C100 suppliers was it?---I can't remember whether it was.

20 Right. Well, just accept from me at the moment a proposition that it wasn't, how would that be explained then that ecareer would be there as one of the listed agencies contacted? How would that fit in terms of the University's policies?---Obviously it wouldn't fit.

You don't have any particular memory about that agency, is that the position?---No, I can't really remember but looking at it now I would say that it's not really appropriate to have that agency listed there.

May I ask just a general question about availability. Obviously if a role was urgent and needed to be filled immediately availability would be a desirable characteristic?---That's right.

30 If there's a delay in the contract needing to commence and various contractors aren't available for a period of time in your experience does that suggest that they are engaged in contracting work and that's why they're currently unavailable to start?---Yes, that, that would most likely be the case.

40 And wouldn't that in a sense, if you've got a choice between an unretained contractor and a contractor who's on a contract and is looking for something new, would that generally mean that they might be a more desirable candidate?---Depending on the urgency. If something is urgent of course it would be more desirable to have someone immediately available.

Can I just please ask you to look at volume 13, page 82. While that's being turned up do you remember in general a position where Mr Meeth asked you for some blank template forms so that he could fill out feedback in relation to contractors?---It's quite possible he asked me for some templates so that he could fill them out, yeah.

Would that normally be part of the head of projects role or that would be your role?---Well normally I would, I would fill out the templates and then

he would just sign them. But it's possible that he asked me for templates as well so, yeah.

All right. Just could you look at the email that's page 82 and then once you've seen that we'll just show you the couple of pages that are the form that's attached. So this is an email from Mr Meeth to Neill, N-e-i-l-l, Li, L-i?---Yes.

10 And do you see that that would seem to be a form that's been populated with a minimum amount of information, that's the length of the contract, the rate, the contractor and the commencement date, the agency and immediately availability and that you and he were on the interview panel and that he was preferred but no other information?---Yes. That's correct.

Have you seen a form in that kind of form before?---No, I haven't.

20 And then if you look to page 85, that's an email from Mr Li going back to Mr Meeth and then there's material at least including the feedback if not some of the other formal material we've seen on some of the other forms, do you see that?---Yes, I see some details were added in the meantime, yeah.

In the normal course if that, if the material that's entered in part of the feedback is genuine where would that in the normal course have come from? Would that have come from SharePoint or physical notebooks or how?---Well, either SharePoint if it's been loaded up in SharePoint or physical notebooks if it hasn't been done so depending on, yeah.

Yes, that's the examination, thank you.

30 THE COMMISSIONER: Thank you. We might take the luncheon adjournment. Does anyone wish to cross-examine Mr Apostolovic?

MR DENNIS: Yes, Commissioner, I do.

THE COMMISSIONER: Mr Dennis, you do?

MR DENNIS: Yes.

40 THE COMMISSIONER: All right. Well, then, Mr Apostolovic, you'll have to return at quarter past 2.00 if you wouldn't mind, we'll resume at that point in time?---Quarter past 2.00?

Yes, thank you. I'll adjourn.

LUNCHEON ADJOURNMENT

[1.14pm]