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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION ELGAR

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 9 NOVEMBER, 2015

AT 2.20PM

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

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Your Honour, Mr Dennis has indicated he'll only be five or 10 minutes with this witness so we - - -

THE COMMISSIONER: All right.

10

MR HUNT: - - - propose to deal with that and then - - -

THE COMMISSIONER: Move on.

MR HUNT: - - - have the next witness at 2.30.

THE COMMISSIONER: All right. Yes, yes, Mr Dennis.

20

MR DENNIS: Yes, thank you, Commissioner. Sir, firstly I want to ask you some questions about the way that you describe as an Indian lady and perhaps in forties?---Yes.

Do you recall giving evidence about that lady and it seems that that lady's name is Anu Batra?---Yes.

30

Sir, you said earlier in your evidence that it was the usual practice or the usual case when you were interviewing with Mr Meeth that you would fill out the feedback form, correct?---Well, I didn't say that, I was saying that someone would do it so I'm not quite sure whether I would do it all the time, I don't think so, yeah.

All right. But you would often do it?---Sometimes, I wouldn't say often, I would say sometimes, yeah.

All right. Do you recall who filled out the feedback form in relation to this lady?---In particular in this lady I'm not sure, I can't remember for this lady.

40

Commissioner, if the witness could be shown that document which is volume 2, page 256 and 257.

THE COMMISSIONER: Yes.

MR DENNIS: Before we go over the specifics of the document, sir, what, if anything was said about her Visa during the course of the interview - leaving aside any discussion you had with Mr Meeth after, after the interview - what - if anything was said during about her Visa status? ---That's what I said, her Visa status might, might disqualify her from being a suitable candidate because it's not stable and at any point in time her Visa

might stop being, stop being acceptable for and she can lose her rights to work in Australia at any time, so that's why I thought that she would not be – I mean when compared to other candidates are of whom all of them had permanent right to work in Australia. I don't see why she would be the one to be selected?

All right. When you say you said those things was the candidate in the room?---Yes, she was in the room.

10 All right. And you told her that you thought she wouldn't be suitable?---I said, I didn't say she wouldn't be suitable, I said "Jason, have you considered this"? And I inquired further about her Visa status. She said "She's", "her partner is a student". And then I, then I told Jason, I'm not quite sure whether I said during the interview but definitely after the interview I said "That that's a very major issue".

All right. So the Visa status was definitely discussed during the interview and - - -?---During the interview I did inquire and confirmed with her and she said yes, her partner is a student, yeah.

20

All right. And you say the suitability or perhaps lack of suitability may have been after the interview?---Definitely after the interview.

All right.---Whether I've said during the interview that she's not suitable, I don't think so but possible, yeah.

All right. And apart from issues of the spouse being a student was there any, any discussions about how long she was able to work or how many hours or anything of that nature?---No. We didn't talk about that, no. She might have mentioned, yeah, when I inquired probably to make herself look a more appealing candidate, how many hours she can do but I'm not quite sure at this point if she said, yeah.

30

Do you recall who filled out this specific feedback form, whether it was you or Mr Meeth?---Is it possible to have a look at the next page?

Well, you've given – you've seen the document already, do you not recall without looking?---Well, according to the document here as we see it - - -

40 Yes?--- - - - it might have been anyone. It doesn't say that – as in the previous one where my name was listed and I was the acting officer, that was very clear that I was, I was actually filling it out but this one could have been done by, by, by anyone, yeah. I am not 100 per cent sure that I did this.

All right. Now the second last dot point concerning Anu Batra states, "The visa status only allows 40 hours per week at the maximum". Do you recall any discussion about that?---Well, as I said at the end of the interview I told

Jason that I think she shouldn't be considered because of the visa and that's – and he ignored my, my comment and we didn't really get, we didn't really discuss the hours per se, we were just discussing in general her, her visa status.

All right. Are you able to recall where that information came from that's recorded in that document concerning 40 hours?---No, no, I can't recall.

10 Could it be that the information came from Ms Batra?---It's possible that she revealed that information in order to make herself as a more appealing candidate.

All right. Do you have any recollection what her partner was studying? ---No, she didn't mention that.

All right. Do you have any recollection of what he was studying?---Of what he was?

20 Yes, what area he was studying (not transcribable)?---No, I don't have any, I don't think it was mentioned at all what, what he was studying, no.

All right. And there was no discussion as to what stage he was up to in his studies, whether he was in his final year or first year or - - -?---We didn't really go much into the details.

All right?---Yeah.

30 So the concerns you had you didn't ventilate them by asking further questions of the candidate during the interview, is that right?---No, I didn't.

All right. Why not?---Well, I thought it's sufficient to know that she's on a student partner visa.

Right?---I didn't think it was relevant to know what kind of area or studies did her husband pursue and which year he was, I just thought it's not really important to know these things.

40 All right. Well, you said earlier one of your concerns was that if he, I gather the effect of you evidence was that if he failed or dropped out of his course that she would no longer be eligible?---That's right.

All right. Did you ask anything about the duration of the visa or the duration of her partner's visa?---No, I didn't.

Do you recall how long Ms Batra's contract was for?---It was for 12 months.

So in the discussion after the interview there was nobody present other than you and Mr Meeth, is that right?---That's right.

You gave some evidence earlier that the amount of feedback for Ms Batra was both a short or a modest amount of feedback and very generic I think you said, do you recall that evidence?---That's right. I mean, everything that was presented, anyone could see it.

10 Could, could that short and generic feedback be authored by you?

THE COMMISSIONER: Sorry, I'm not sure, what do you mean?

MR DENNIS: Well, did you, did you write, did you write that up?---I don't think so, no, definitely not. I wouldn't, I wouldn't write down comments which don't make sense, which are not relevant for the candidate like she has business, what was it, business excellence, I mean, it doesn't really meaning anything, I, I don't think I would ever write a comment like that.

20 Could it, could it be, sir, that the short and generic nature of the feedback is a product of the fact that you weren't particularly impressed with the candidate?---Well, as I said I, I don't think I wrote that, those comments.

All right. I want to ask you now about a candidate you've interviewed, a man by the name of Ben Hall. You don't remember that interview do you?--That's right, I don't remember the interview.

All right. So you couldn't tell me what questions were asked?---No, I, I can't tell you.

30 Could you tell me what Mr Ben Hall looks like?---No, I can't.

All right. You have no recollection whatsoever?---No recollection whatsoever.

40 All right. And yet you're able to say in your evidence that Mr Meeth definitely did not indicate anything amounting to a conflict or potential conflict of interest?---Yeah, I can guarantee that he didn't tell me that he had any kind of conflict of interest regarding any candidate whatsoever for the time I was there at the University.

And - - -?---And that's, that's something I would definitely remember because it's something very important and of particular nature that, that it sticks out.

Could, could Mr Meeth have said words to this effect, I know Ben and I've known him for a long time?---He could have said that, yeah.

All right. But you have no recollection of that?---No, I don't have any recollection.

And do those words – hearing those words put to you today do you think they might have been – thinking about it now do you think they might be capable of conveying that Mr Meeth might be a friend of Mr Hall?
---Possibly.

10 All right. You can't recall whether he said those words or not can you?---I don't think he did.

All right. Now, you say you expressed these concerns – just going back to Ms Batra for a moment. You say you expressed these concerns perhaps after the interview?---Definitely after the interview, yes.

All right?---And during the interview I was just confirming with her what's her visa status and what's the situation so - - -

20 All right. And you thought that was – under the circumstances it wasn't at all in the interests of the University to hire her?---Well, when we compare this candidate with the other candidates I thought it wasn't in the interest because I didn't see any particular reason why we would go out of our way to employ someone without a permanent resolve work visa if that candidate doesn't really offer anything specific what would justify that. I didn't see any reason why would we do that.

All right. Sir, did you, did you write down your concerns anywhere?---No, I didn't, no.

30 Did you tell anyone other than Mr Meeth?---No, I didn't.

Sir, I want to suggest to you that at no time did you indicate any concerns about Ms Batra's visa to Mr Meeth. What do you say about that?---Sorry?

I'm saying that what you're saying about telling Jason Meeth about - - -?
---Yes.

40 - - - the visa you didn't say those things?---How – what do you mean I didn't say? I did say.

Well, I'm, I'm – you can agree with me or disagree with me. I'm saying you didn't talk to Mr Meeth about - - -?---I disagree with you. I did talk with Mr Meeth and I did express my concerns regarding - - -

All right?--- - - - this candidate.

Sir, you, you were terminated by Mr Meeth weren't you?---Yes, I was, yeah.

And you weren't very happy about that were you?---That's correct.

And as you've already indicated you took some proceedings for unfair dismissal didn't you?---There was a settlement, yes.

Yes. And you took the proceedings because you weren't very – you thought it was unfair to be terminated didn't you?---Yes, that's correct.

10 So the proceedings were unfair dismissal weren't they?---That's right.

Because you considered your dismissal to be unfair didn't you?---That's correct.

All right. And would it be fair to say that you were somewhat embittered by that decision?---(No Audible Reply)

20 THE COMMISSIONER: What's being put to you, Mr Apostolovic, just so that there's no misunderstanding, is that you weren't happy with the circumstances under which you were dismissed and that therefore you are attempting to slant your evidence against Mr Meeth as a result of that hostility. That's what's being suggested to you?---No, that - - -

Do you agree or disagree with that?---I disagree with that.

30 MR DENNIS: All right. Sir, just to perhaps – at the risk of making the same point twice, sir, you – well, to use another word you were angry towards Mr Meeth weren't you, about being dismissed?---I was at the time, yes.

All right. And, sir, has that anger influenced what you've come to say about Ms Batra's visa?---No, that was – the interview with Ms Batra happened significantly before I was served notice to leave the University.

Right. Did you want to even with Mr Meeth?---No, I didn't want to get even.

40 Does your anger about being dismissed, has that influenced you in saying that definitely there was no conflict of interest discussion about Mr Ben Hall?---It doesn't influence me.

All right. You wrote an angry email to Mr Meeth after you were dismissed didn't you?---Well, it depends what you would consider angry.

All right. Well, did you – I'll, I'll provide you with some more detail. Did you write an email to Mr Meeth outlining 36 examples of when Mr Meeth had thanked you for doing your job properly or doing a good job?---I wouldn't call that angry, showing appreciation of Mr Meeth towards myself.

All right. And you wrote that email, so you agree you wrote that email did you, do you?---This is what I provided during the case, the unfair dismissal case.

All right. And you wrote that email to Mr Meeth after you were dismissed, is that right?---That was an email I provided for, during the unfair dismissal case.

10 Right. When did you write it, before or after you were dismissed?---That was after, after I, after I was dismissed.

All right. And would it be fair to say that the examples you provided were examples of being thanked for fairly straightforward or administrative type tasks?---Straightforward?

Well, simple tasks, easy things. Was, were you, were you talking about easy things that Mr Meeth had asked you to do?

20 THE COMMISSIONER: Well, I'm assuming this document exists and if it does exist it should speak for itself but I'm just wondering it depends on, on what one might classify as an easy administrative task. I don't know in what context we're discussing this.

MR DENNIS: All right. I understand what we're - - -

THE COMMISSIONER: Yes.

30 MR DENNIS: I might, I might pursue that line any further, thank you.

Sir, you understand that Mr Meeth is being looked at very closely in these proceedings don't you?---Yes.

All right. And you understand that this Commission looks at allegations of corruption and misconduct don't you?---Yes.

All right. Are you trying to get Mr Meeth in trouble by what you're saying today?---No, I am not.

40 As a, as a way of getting back at him for being dismissed?---No.

Yes, thank you, Commissioner.

THE COMMISSIONER: Does anyone else have any questions of Mr Apostolovic because I'll excuse him otherwise? Do you have any arising, Mr Hunt?

MR HUNT: There's just a couple of things I wanted to deal with - - -

THE COMMISSIONER: Yes.

MR HUNT: - - - if I could please.

Before you were dismissed had there been any disciplinary proceedings taken against you by the University whether by Mr Meeth or otherwise?---
No, I was just given two weeks' notice and that's it.

10 Before you were dismissed had any formal complaint been made about you by Mr Meeth or otherwise?---No.

Did you consider that apart from your concerns about some of his practices that you actually had a good working relationship with Mr Meeth?
---Relatively good, yeah, I would say there weren't any major issues, I did not have any arguments.

20 I want to move onto a different topic, Commissioner, please. Volume 6, page 98 and 99. You were asked some questions about the recruitment form including feedback about Anu Batra and others by Mr Dennis?---Yes.

You know what I'm talking about?---I know, yes.

Just have a look at these documents. The bottom of page 98, 21 June, 2012, do you see there an email from Mr Meeth to you saying "Would you please draft an ICT employment confirmation form for both Pranav and Anu?"
---Yes.

In context is that Pranav Shanker and Anu Batra?---Probably, yes.

30 Do you see higher up and you were invited to send a template, please, that Mr Meeth wants to do himself?---That's right. So this was the time when I was given the notice and the agreement between the University and myself was that I could use those two weeks to my own, I'd say, to my own choosing. I could use those two weeks to look for another job opportunity so I wasn't actually - I was coming to work only sometimes and in the evenings to avoid meeting people.

40 And at some stage you sent some blank templates to Mr Meeth?---I don't recall sending anything because at that time as I told you I was, those were those two weeks I was served notice and I was asked to do various things, some of them I did some of them I didn't but in this case I don't recall doing this.

All right. And just look at the next page, do you see a couple of emails from Mr Li to Mr Meeth including "Please see attached files. I may need your input on Anu's actual rate. Thank you"?---Yes, I see that, yeah.

Did you have any involvement in that part or not?---No, I didn't have any involvement, no.

10 You were asked questions about the possibility of Mr Meeth having said "I know Ben. I've known him for a long time". If that conversation had happened in the context of a recruitment exercise involving Ben Hall would you consider that that would amount to an indication of a potential conflict of interest?---Well, it's different if you just say I've known someone and different if I say okay I'm declaring a conflict of interest regarding this person. So it is not the same.

But I understand the balance of your evidence seems to be that you don't think that was said you - - -?---I don't think anything was said.

- - - concede the possibility but your, you don't recollect anything like that?--I don't recall it, but, yes, that's correct.

Yes, they're the further matters, thanks, Commissioner.

20 THE COMMISSIONER: Thank you. Yes, thank you Mr Apostolovic. You may step down, you're excused. Thank you?---Thank you.

THE WITNESS EXCUSED

[2.42pm]

MR HUNT: Yes. Could we just have a five minute break while I get the next witness in here, please, Commissioner?

30 THE COMMISSIONER: Yes, certainly. We'll just adjourn very briefly, thank you.

MR HUNT: Thank you.

SHORT ADJOURNMENT

[2.42pm]

40 THE COMMISSIONER: Yes, thank you, Mr Hunt.

MR HUNT: Commissioner, I call Pranav Shanker.

THE COMMISSIONER: Yes, Mr Shanker. You're not represented here today as I understand it.

MR SHANKER: That's right.

THE COMMISSIONER: Mr Shanker, can I just explain to you the procedure that we follow in these hearings. You must answer the questions that are asked of you truthfully even if those answers might implicate you in some wrongdoing. Because you have to answer the questions truthfully and you don't have the option of refusing to answer them, you would be normally entitled to object to each and every question as it is asked and in that way your answers wouldn't be used against you or rather, couldn't be used against you in any future civil or criminal proceedings. However, I can make an order under section 38 of the Act which operates as a blanket
10 objection so it relieves you of the obligation of having to say anything but it operates to ensure that your answers can't be used against you in civil or criminal proceedings but there's one important qualification to that protection. That is that if it should be found that you have lied or misled the Commission in any way your answers could be used to prosecute you for an offence under the ICAC Act. Do you understand that?

MR SHANKER: Yes, ma'am.

THE COMMISSIONER: Would you like me to make the section 38 order?
20

MR SHANKER: Yes, please.

THE COMMISSIONER: Yes.

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
30 respect of any particular answer given or document or thing produced.

**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
40 NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Now, do you wish to be sworn or affirmed, Mr Shanker?

MR SHANKER: I don't know the procedures.

THE COMMISSIONER: Well, you either promise to tell the truth or you swear an oath on the Bible but in both cases the obligation is the same.

MR SHANKER: I promise to tell the truth.

THE COMMISSIONER: All right. Well, could we have him affirmed please.

THE COMMISSIONER: Just take a seat, thank you?---Thank you.

Yes, Mr Hunt.

MR HUNT: Would you tell the Commission your full name please?
---Pranav Shanker.

10

And, Mr Shanker, you originally brought up the first part of your education was in India?---That's right.

What's the highest qualification that you obtained in India?---Bachelor of Computer Application.

And then you did an MBA at the Kellogg Institute in the States. Is that right?---I did my MBA at AGSM. As part of my study work I was an exchange student for a semester at Kellogg School of Management.

20

I see. So the qualification comes from the Australian Graduate School of Management but you did one semester at Kellogg?---That's right.

All right. How did you first come to know somebody called Balu Moothedath?---So I was – I don't recall the exact way I came across. I was looking for work and as part of my job hunt I was networking with people. I was calling up recruiters.

30

And you came across him on LinkedIn. Is that right?---Yes, and the first thing I did was someone said he, he might have a role so it's either you can connect with him on LinkedIn.

Can you now remember who the someone was who pointed you in the direction of Balu Moothedath?---I cannot be a 100 per cent sure but 90 per cent sure it would be Vikas Patole.

Be?---Vikas Patole.

40

And had Mr Patole – how do I spell his surname?---P-a-t-o-l-e.

And had Mr Patole either worked with Moothedath or been put into a contract by Moothedath?---I'm not aware of that.

All right. And roughly when did, if it was Patole or whoever it was point you in the direction of Balu?---Early part of 2012.

All right. You understand if I use the word Balu I'm talking about Mr Moothedath?---That's right.

And that's how you knew him wasn't it, as Balu?---Yes.

All right. His – a person called Sonata Devadas, did you know her?---I came to know her later.

Initially you didn't know her?---Initially all my interactions were with Mr Balu.

10 Did you know when you were first having interactions with Balu that he was attached to a company called Canberra Solutions Pty Ltd?---So initially no, then he said he has a company called Canberra Solutions.

All right. When you first actually made contact with him was that email contact, LinkedIn contact or phone contact or person contact, what was it? ---I think it was LinkedIn.

20 All right. And then when you – I think it came to a point that he was going to propose you for contracts, is that right?---So I contacted him and we exchanged I think emails, we met and he said that he might have a role for me.

All right. When you exchanged emails with him before you met did that include forwarding him your CV?---Yes.

Did you CV have references attached to it?---No.

30 Did you ever provide names of referees to Balu?---Yes, as part of the hiring process I was asked to provide two references which I provided.

And who were those people?---One for sure was Ravian Monteiro.

And the other?---The other, it could be either Sachin Rahane or Vikas Patole.

And do you know whether any of those referees were ever contacted by Balu?---I'm not sure, I don't know. They never told me that they received a call, if they would have received - - -

40 All right. You don't know any and is it fair to say that you don't know anything that would suggest that Balu or anyone from Canberra Solutions actually contacted your referees?---Can you repeat it please?

All right. You didn't hear anything from any of the people that you think were your referees that Balu had contacted them?---No.

And from what you know there's nothing that would suggest to you that they were contacted by Balu or anyone else from Canberra Solutions?

That's correct.

Correct. All right. Did it come to a position that you understood you, you were going to be put forward for a contract at Sydney University?---Yes.

Were you at that stage, is it fair to say, pretty desperate for work?---Yes, I was.

10 Were you pretty negotiable about the kind of daily rate that you would work for?---That's right.

Did you have a discussion with Balu before your name was put forward to University of Sydney about the kind of rate that you would be paid?---No.

When did you ever come to know the kind of rate that you would be paid if you entered into a contract with University of Sydney?---Once I had interviewed with University of Sydney, that's when we talked about the money, how much I would be paid.

20 And what were you told?---I was paid ah, I was told my salary would be in two parts, one is a paid salary plus - - -

Sorry, I didn't - could you start again, I didn't quite hear you?---So my salary would be in two parts, one part would be a fixed portion and the other towards, because I was still doing my MBA, he would give be \$4,000 per quarter as part of my MBA.

30 And that, was that paid in arrears at the end of any quarter that you were still contracted?---What do you mean by paid - - -

At the end of the quarter?---Yes, they were paid.

So you were paid a daily rate and then – and what was that again?---And \$4,000 per quarter.

No, no. What was the daily rate again?---I don't know the daily rate, the pro rata'd rate was \$96,000 a year.

40 Right. You didn't ever know it in a daily rate, is that what you're saying?---No. I never calculated it.

All right. And did you ever know that there was any – withdraw that. Did you know before your name was put up that Balu was associated with this company called Canberra Solutions?---Before my name was put up?

Yes?---Did I know if Balu was associated with Canberra Solutions?

Yes?---No.

All right. When did you – you've said that at some stage you came to know that Balu Moothedath was involved in some way with Canberra Solutions, when?---When he said – once I'd interviewed, he said “We will put you on our payrolls and then you would be subcontracted to University of Sydney.

Did you ever know that any other company apart from Canberra Solutions was involved in your name being put forward to University of Sydney?---
When I joined I was asked to sign a contract through Paxus, so - - -

10

Did you know why?---No idea.

Have you ever known why that was?---I was – after, once I started working at University of Sydney I came to know that there's, there is something called a C2020 or C100 (not transcribable) then the company has to go through it. And that's why Paxus is involved.

All right. Do you personally have any dealings with an employee of Paxus?---No.

20

Do you know of anything that suggests that Paxus contacted your referees?--I don't know.

You don't know of anything that's consistent with them contacting your referees?---I, I don't know whether they contacted my referees or not.

All right. Had any of your referees talked about being contacted by Paxus?--No.

30

All right. Tell us – I think ahead of you going to the University of Sydney you knew from Balu that somebody called Jason Meeth would be interviewing you?---Yes. I received an email invite that I had to be at University on so and so date and there would be, Jason Meeth would be interviewing me.

But didn't – did Balu also just tell you that somebody called Jason Meeth would be interviewing you?---I don't recall that, that whether he said that Jason Meeth would be interviewing me. He said that “You would get an email invite”. I can't recall whether he mentioned the name of the person.

40

There was the name of the person on, on the email invite, Jason Meeth.

All right. Are you telling the Commissioner, that the first time you ever knew of the name Jason Meeth, was when you were sent an invitation to attend the interview?---That's correct.

Are you sure about that?---I'm 99 per cent sure about it. If you would have mentioned I don't recall that whether he mentioned that who would be interviewing me. He said - - -

Whether it was before or after the interview process did Balu ever suggest to you that he knew Jason Meeth?---No.

Did he ever suggest to you that you were a good chance to get a job at the University?---All the interviews I've been to almost all the recruiters say that "You'll be a good candidate", so - - -

10 All right. Well let's put the usual to one side. What I'm asking you is whether Mr Moothedath said to you something that suggested that he thought you were a good chance?---He did mention that "You might be able to fit in at the University of Sydney you can get it, he paused it while interviewing so - - -

Was there anything about your skill set or qualifications that he identified to you was important in terms of the role that you were going for?---He, he said that "Because you, you finished one part of your MBA you worked in an environment with many layers so you might be a fit for this role".

20 What was the role?---The role was a project manager.

A project manager in relation to what kind of project?---So once I – he didn't give me the details. In the interview I was told it would be a security project that I would be working on. Something that has been going for some time and it has – it is behind schedule and behind budget and I was being – if successful in this role I would have to complete that project within budget and within time.

30 All right. Were you in fact interviewed by Mr Meeth when you went for the contract?---That's right.

Was Mr Meeth alone or was there was somebody else there?---There was someone else there.

Was that somebody called Jovan Apostolovic?---Yes.

All right. Had you had any prior dealings with that gent?---No.

40 Had you had any prior dealings with Mr Meeth?---No.

Have you had any dealings with Mr Meeth since that interview? I presume you did as part of your contract. Is that right?---That's right. So we used to have meetings, PMO meetings where he would be there and personal friend I had three meetings with him. One was when – during the project Board meeting there was a - - -

All right. Just stop there. I don't need that detail?---O.K.

Just, during your interview - - -?---Ah hmm.

- - - with Mr Meeth and Mr Apostolovic - - -?---Ah hmm.

- - - was there any indication from your side of things that you were a candidate proposed by Balu or Canberra Solutions?---No.

10 Was there any communication by either Mr Meeth or Mr Apostolovic that suggested to you that they knew Balu was putting you up for the job?---No.

At all?---None at all.

What questions, if any, did Mr Meeth ask you during the, during the interview?---He asked a lot of questions.

20 Like what?---So questions around project management. How you would manage stakeholders. I clearly remember this because I had studied as part of my MBA topic called managing people in organisation and I remember giving that example, how I can use a framework to manage different expectations and stakeholders.

So was that a question that was around conflict in - - -?---That - - -

How to deal with conflict?---That question was around how do you manage various people. So if someone is not contributing to the project - - -

Yeah?--- - - - how you can influence them.

30 All right. So it was a people skills question?---People skills question.

All right. What else did he ask you about?---General questions. My background, what I have done in the past, how fit I can be for a role of project manager, how do I understand technology. So those general questions.

Well, were there detailed technological questions?---No.

40 What about from Mr Apostolovic, what did he ask you, if anything?---He, he didn't ask anything.

Did they both seem to be taking notes?---I don't recall Jason but the other gentleman, Jovan, was taking notes.

All right. Does that suggest that – Jason, you mean Mr Meeth?---Yes.

Does that suggest he doesn't – wasn't taking notes?---I am not sure. I don't recall.

All right. And when was the last – the most recent time that you talked to Mr Moothedath?---Not long ago.

And how did you come to see him?---So I received a phone call – so all this conversation started – I received a phone call from him and he said that there is an ICAC investigation going on and he would like to meet me regarding the same.

10 All right. Just pause there for a minute. Before Balu rang you - - -?
---Ah hmm.

- - - did you know that there was any investigation by ICAC in relation to contracts at Sydney University?---No.

Are you able to say about when you had that contact?---Late June, early July.

Of?---This year.

20 This year. May I ask – I presume – you only worked one six-month contract at the University. Correct?---That's right.

You had communications with Balu through that period for various reasons did you?---That's right.

To do with pay and I'll come into some of that in a minute you understand?
---Ah hmm.

30 After your contract with the University was finished - - -?---Ah hmm.

- - - I presume any need to communicate with Balu about that contract stopped once you had finished?---That's right.

Did you then use Balu to try and get another position?---Yes. There was one role which was posted for a company and I discussed that role with him.

Did he put you up for that role?---No.

40 All right. And then is it – did you have any contact with him after that discussion of that role - - -?---Ah hmm.

- - - before these communications in the middle of this year?---Yes.

And what were the nature of communications after that role post your University contract until Balu first called you in the middle of this year, what, what sort of reasons were you in contact with him for?---So reasons for I was in 2013 a bit of background on it was I was trying to build my own consulting agency.

So you had discussions that were about business ideas that didn't come to pass, is that right?---That's right.

And apart from maybe social communications there was nothing that was related to the University of Sydney, things to do with your wife or things that were discussed in the middle of this year, is that right?---Ah, no.

10 All right. So then could you remind me exactly, so apart from Balu telling you that ICAC was looking into matters to do with Sydney University is that what he told you?---Yes.

Tell us exactly what Balu said to you during that, as best you can, during that telephone call?---Oh, he basically said that he would like to meet me and he didn't want to discuss so, so much in detail over the phone and he met me, we met at North Sydney.

20 All right. Just pause there, did, did you wonder why it was that Balu didn't want to discuss things with you so much on the phone?---Oh, I at that time felt it would be better to meet face to face because then it would dissolve faster, the communication would be better. Sometimes for a small thing the conversation might last for an hour and a half with him.

All right. But speaking plainly did it worry you that Balu said let's not talk about things too much on the phone?---He basically, he didn't use that words, he said it would be better if we meet face to face communication.

30 All right. So the idea of an ICAC investigation and somebody saying let's talk face to face, you put those two ideas together I suggest to think this person does not want to be talking on the telephone with me about this?---I never put that two and two together at that moment.

All right. Okay. Did you know when Balu said there's an ICAC investigation, I want to get together to talk to you face to face what he wanted to talk to you about?---No.

All right. When you met I think you were saying you met in North Sydney, is that right?---That's right.

40 Where in North Sydney?---So the meeting point usually would be around North Sydney Post Office.

All right. When you say the meeting point would usually be around North Sydney Post Office that suggests more than one meeting, is that right?---That's right.

So the meeting after the first call in the middle of this year was the first of a series of meetings with him?---That's right.

And do I assume there were a series of telephone calls as well or other communications apart from face to face meetings?---So face to face meetings were at North Sydney or at his place.

At his place?---Yes, sir.

And where was his place?---Lane Cove.

10 And that was residential premises was it?---That's right.

And do you know whether those residential premises were actually the location of the business as well, Canberra Solutions' business?---Now, now if I recall the contract it had the address on that contract and their home address is the same.

Putting those two together you think - - -?---Now, yeah.

- - - they lived, he lived there?---Mmm.

20

And he worked from there?---Yes.

All right. The very first meeting which was at Green Point (as said) in North Sydney, can you put a date on it roughly?---I would have to check the calendar to put a date on it.

All right. Well, have a look with, with your leave, Commissioner, if he could look at that.

30 THE COMMISSIONER: Yes.

MR HUNT: How you going?---I'm just going through all the meetings so it might be there but I might have put it ah, something, it could be that I just created a - - -

All right, Mr Shanker, did you not think, knowing that you were going to be asked about this today - - -?---Ah hmm.

40 Well, you did know you were going to be asked about this today didn't you?---No. I wasn't - - -

Sir?--- - - - aware that till - - -

Sir, are you saying you did not know that the Commission would be asking you about contacts with Balu?---I was aware of the - this Commission would be asking me about contacts with Balu.

All right?---I was - - -

Did you think it was a good idea to look up ahead of time to work out when you first started to be asked to meet Balu about this investigation?---
Honestly, sir, for the last few days I have been so much under stress that I haven't slept in the last two days. I haven't - - -

THE COMMISSIONER: Mr Shanker, can we cut to the chase. You said a short time ago that the phone call you received from Balu was in late June or early July, 2015?---Ah hmm.

10

Well, then, the meeting must have occurred shortly after that phone call?
---That's what I'm trying to say - - -

All right. So have you got your diary in front of you?---So I have a diary. This is my work diary. It could be - - -

Yes. It's in your phone?---It's in my phone. It could be that I haven't booked a slot for him.

20

All right. So we're not going to find out from looking at the diary in your phone?---I'm not a 100 per cent sure.

All right. Well, can I ask you this then, is it a matter of days or perhaps a week after the phone call that you first met with Mr Balu in North Sydney?
---A matter of days.

A matter of days. Right. So we're still in July at the very latest?---It, it would be most - - -

30

Early July?---It would be June most probably not July.

All right. Most probably late June then - - -?---It could - - -

- - - the first meeting?---Yes.

Right.

40

MR HUNT: Thank you, Commissioner. What was discussed at the meeting?---So he said in general I don't know why this is happening. He told me you might also get a call from ICAC. I said why I am being dragged into this. We discuss about it then he did mention - - -

Well, hang on, we discuss about it. Just tell the Commissioner what kind of discussion there was?---So he, he spoke about why this is happening. I said I don't know why this is happening, what he should do. I said I can't say anything about it. It's better if he gets a lawyer and advice from a lawyer because I don't know anything about legal matters. So what discussion he might have had with the ICAC investigator - - -

Just pause at the moment. At that time - - -?---Ah hmm.

- - - or indeed at the time that Balu first rang you to say that the ICAC investigation was underway, were there things about your dealings or your family's dealings - - -?---Ah hmm.

- - - with Balu that you were concerned about?---Yes.

10 What were those things?---So way back in – when I was working at University of Sydney and my wife was unemployed he did mention that we can put your wife on payroll.

All right. Just pause there. Now, your wife's first name is Pooja?---That's right.

P-o-o-j-a?---That's right.

20 And her surname is spelt M-a-d-h-u-s-u-d-a-n-n-a-i-k. Correct?---That's right.

And how do I say that?---Madhusudan Naik. So Madhusudan is her middle name.

Oh, okay. So it's Pooja Madhusudan Naik?---That's right.

Okay. Now, sorry I interrupted you but do you mind if I call your wife Pooja - - -?---Sure.

30 - - - for simplicity?---Yeah.

Pooja was unemployed - - -?---Ah hmm.

- - - at the time that you were first in contact with Balu about you getting work. Is that right?---That's right.

Did any dealings about Pooja - - -?---Ah hmm.

40 - - - and Canberra Solutions happen after you had already got your contract with the University of Sydney?---That's right, it happened.

All right. How long after you had started your contract and were physically working at the University was there any dealings between Pooja and Canberra Solutions?---Two to three months.

And was – did Pooja contact Canberra Solutions, did you contact Canberra Solutions or did Balu contact one of you?---Balu.

And Balu contacted you, is that right?---That's right.

Because he didn't know Pooja? at that stage?---Yeah.

Did he have a proposition for you about Pooja?---Yes.

What was it?---So because I asked him if he can find some job for my wife, I thought him being a recruiter, he said "She can work for him" and - - -

10 We'll pause there. Did Pooja have ICT skills?---No.

What sort of skills did Pooja have if any?---Pooja is an architect and has a Masters in Urban Planning.

So Balu wouldn't, can I suggest normally be the first stop for a recruiter for somebody with those qualifications, is that right?---That's right.

20 But it was definitely you contacted him first to see whether he had roles that Pooja could be put forward for?---My understanding was a recruiter might know a lot of people.

Okay. In any event Balu proposed to you that Pooja might work for Canberra Solutions?---That's right.

What did the role entail in reality?---In reality nothing.

So is it fair to say that Balu's proposition was that Pooja would be put on the books as if an employee - - -?---Ah hmm.

30 - - - of Canberra Solutions although she wouldn't be required to work?---That's right.

Would she be paid?---Yes.

40 What were the financial arrangements? Could you deal with in your answer any pay that came to her and then any arrangements about tax that was payable on her wages and superannuation that was payable in relation to her employment?---So the arrangement was he would put in the money in her bank account less the taxes and he would put in the money for the superannuation part.

So he would pay into an account that you nominated?---Yes.

Pay that represented the net part of her pay, correct?---Tax deducted, yeah.

And you understood that Canberra Solutions would be responsible to pay the tax?---That's right.

And then was the superannuation paid into that same joint account or was it paid to a super fund?---It was paid in a super fund.

And without going into the precise figures, could you tell the Commissioner roughly the amount of net money that was going into your joint account in relation to this fictitious - - -?---Three thousand something.

Per what?---Month.

10 All right. And it sounds like a rather good deal. What – were there any other arrangements in place about things that you or Pooja had to do given that this money was being paid into a joint account - - -?---I was - - -

- - - and, sorry, and the super was being paid off to a super fund?---I was supposed to pay back the money to him. The money that he deposited in our account.

And when you say “You were supposed to”, is that something that you actually did?---Yes.

20

And were you supposed to pay that back by way of a bank transfer back to Canberra Solutions or was there some other way in which you were meant to return the money to Balu?---By cash.

Did you – withdraw that. Just listen carefully to what I'm about to ask you. Did you or Pooja make arrangements to, once the money had been received to your joint account move it to another account?---No.

30 No?---No. So the money would hit my account and I would withdraw it and give it back to Balu.

Without – are you saying to the Commissioner that there was no other accounts in either your name, Pooja’s name or your names jointly that were involved with the money that was paid in to your joint account from Canberra Solutions in relation to this fictitious employment deal?---So the money I might move within my account so I have a NetBank saver which gives higher interest. I would take that money and park it over there or for the (not transcribable) by me I would move the money into my bank account and withdrew the cash also.

40

All right. So when I asked you initially did you ever transfer the money from the joint account, a truthful answer would’ve been, sometimes?---My apologies. My understanding was whether I moved it into some other, someone else’s account.

No. I was talking about – the question was directed at accounts controlled by either you or your wife. Do you understand?---My apologies, I misunderstood the question.

Okay. Understanding that did you in fact move the money from the joint account to at least one other account before withdrawing the cash to be paid to Balu?---Yes.

And was one of the reasons you did that to distance the cash withdrawal in a transactional sense from the payment in of wages?---Can you please explain it?

10 All right. I suggest that if money were paid in for wages to Pooja and money were taken out as a cash withdrawal from that account that it might be easier to see a relationship between the deposit and the withdrawal than if the money was paid in for wages, transferred to another account and then withdrawn in cash?---My only purpose of moving was convenience and never thought about anything else.

So that wasn't to disguise - - -?---No.

- - - that factor?---No.

20 And then in the circumstances where you got the money in cash, how did you get the money in cash to Balu?---Face to face meeting.

And were those meetings either at North Sydney or at his home at – home/office at Lane Cover or were they somewhere else?---Either Parramatta or at his home.

30 And how would that be arranged?---He would – I would give him a call or exchange message on Skype or any other online thing, Chat or Messenger and I would meet him and give him the money.

So in a financial sense is the position that the benefit to Pooja was that she got to keep the superannuation?---Yes.

Yes?---Yes.

Was there any portion of the funds paid in as fictitious wages, fictitious net wages that you or she got to keep?---No.

40 So the idea was that all the funds that represented net wages would be withdrawn by you and returned to Balu?---That's right.

And you must've understood that there was something essentially impermissible about what was happening?---Yes. So my understanding at that time was that it's some benefit that he's getting in his taxation apart from that I never thought about it too much.

All right. You, you don't know anything to suggest that he wasn't paying the PAYE tax in terms of Pooja's pretend job, correct?---Yes. So we haven't (not transcribable).

All right. You, you assumed that Balu's business, Canberra Solutions, was getting a tax benefit for paying in the super, the PAYE tax and the fake wages that were going into your joint account?---Ah hmm.

You knew that?---I understood that.

10

All right. You understood that because you understand business, correct? ---A little bit of how taxation works.

Okay. Did you understand it though because Balu told you that he was getting a tax advantage by being able to claim that money?---Oh, he never mention in those terms.

20

So what did he say to you for you to know why he was doing this?---He said it would just help him with his business, apart from that I never asked any questions. All I understand is if a business is getting an income and if there are some costs involved so they would be only taxed at the, between revenue minus cost, the profit that they would have.

Why do you think he picked you?---I have no idea.

Did he ever say anything that suggested to you that he, this was something he was doing with other people?---No.

30

Were you ever asked to give money to anyone apart from deliver the cash to Balu?---No.

Ever?---Ever, no.

Did he ever say to you why he needed cash?---No.

Did he ever say to you in terms of your contract that he was making a lot of money or his company was making a lot of money out of you?---No.

40

Do you, do you now understand that to be the fact?---Oh, seeing all the evidence I think he was making money.

Well, you've seen that you were being contracted out - - -?---Ah hmm.

- - - for far more than you were being paid?---I didn't know what was the rate I was contracted out.

Were you ever told the rate by Sydney University?---No.

Were you ever told the daily rate by anyone from Paxus?---No.

Were you ever told the daily rate by Balu?---That he is charging me?

No, the daily rate that you were meant to be being paid at the University of Sydney?---No.

Now you said earlier that you met Sonata Devadas or came to know her?
---Ah hmm.

10

When?---Oh, 2012, the first time.

And how did that happen?---Maybe once I remember we were, me and my wife were shopping in Westfield Parramatta when I saw him with his missus.

So that was just a chance meeting?---That was just a chance meeting.

That wasn't a paying cash over to him meeting?---No.

20

All right. And how were you introduced to her, as his wife or business partner or what?---I, I inferred that if, when I went to the place and it was an evening time that they were husband and wife, I never asked him whether she is her, his wife or anything, I never asked him the question.

All right. So when you met out shopping - - -?---Ah hmm.

- - - you just drew a conclusion that this was Balu's partner, whatever the relationship was?---Yes.

30

Did you ever have business dealings with Sonata?---Apart from exchanging a few emails, sending my timesheets or once or twice talking to her, no.

Okay. Well, let's deal with the timesheets?---Ah hmm.

Would you send her the timesheets?---I was given an email address which was in her name to send the email. My timesheets - - -

40

So that said "sonatam@" something?---I don't recall the email address so I had set up, I would scan my timesheet and I would just automatically send it up.

Who told you whether in writing or in email or in person that you ought to send your email, your timesheets I'm sorry, to that email address?---Balu.

And did you address those to "Dear Sonata"?---I could have said hi for Sonata or oblique Balu so chances are if the email address was Sonata I would have said Sonata or ma'am or Balu or - - -

And did you get communications back signed by Sonata?---Not that I recall.

Okay. Putting to one side sending timesheets or emails about that you said that the only other business dealings that you had with Sonata were a few conversations?---A few conversations.

Are they conversations on the telephone or in person?---Ah, once or twice on the telephone.

10

Okay?---Once or twice face to face.

Okay. Let's deal with the telephone ones. Roughly when did you have telephone business contact with Sonata?---Oh, so if I can clarify something, so it would be if I call, Balu had a lot of phone numbers that changed all the time so if I have like multiple contacts for him, if I call onto him Sonata picked up I would just ask him where is Balu, that's it.

20

So in terms of any telephone conversation it was ringing a number that Balu had given you as one of his contact numbers to do with the business?---Ah hmm. Ah hmm.

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

And then sometimes Sonata would answer that business phone number? ---Ah hmm.

30

And are you saying that you never had a telephone conversation with Sonata that was more than either asking to be passed onto Balu or leaving a message for Balu to ring you?---Oh, not that I recall but - - -

Well, it's something you - Balu was your business contact at Canberra Solutions, correct?---That's right.

He was your recruitment person?---Ah hmm.

Apart from timesheets Sonata you didn't have dealings with?---Mmm.

40

Correct?---Ah hmm.

So if you had a business dealing with Sonata you'd know that wouldn't you if you had a telephone call?---I don't recall, I cannot a hundred per cent surely say so because like you said earlier that you need to give truthful answers, I am giving the truth answer to the best of my knowledge I don't recall where I can say definitely a hundred per cent that I spoke to her on the phone regarding a business.

All right. Well, look, understanding that and understanding that your first understanding about Sonata was that she was Balu's partner - - -?---Ah
hmm.

- - - the fact that you can't exclude having business dealings with Sonata suggests that at some stage it's possible you thought of her as being involved in the business as well as Balu's partner, is that right?---I, I was told that she is the director of the company but it was my understanding or my inference that Balu is the main decision-maker.

10

All right. And are you saying that you've been told as part of this investigation that she's the director or that you were told back in 2012 that - - -?---But before I was told about this investigation I was told that Sonata is one of the directors in the company.

But your main dealings are with Balu?---That's right.

20 And moving on then we've dealt with telephone contact that you might have had with Sonata and you said that you met her a couple of times face to face where you would consider that there was some business content to the conversation, when was the first one of those meetings?---It'd be back, it'd be in 2012 before, if I can say before from 2012 till the starting of this investigation.

30 So at a time after you'd stopped working at the University of Sydney but before there was talk of an ICAC investigation?---So after, so after I stopped working at the University of Sydney my only contacts would have been with her when I've gone to their place, she opened the door where I've said I have come to meet Balu and she might say okay, have a seat or he's away for five, 10 minutes, sit down, would you like a cup of tea, that's the dealing.

So they're the kinds of things that you would characterise as being business conversations with her, is that right?---Sir, I'm characterising because I cannot recall 100 per cent definitively if I discussed any business with her so that's what I'm telling you in concrete 100 per cent that okay, I went, I met Sonata, I don't recall what happened or what conversation we had so I put it under that thing.

40 All right. Did she seem to understand the recruitment business?---We never had discussion around this.

Did she ever know that you were a contractor that had been placed by Canberra Solutions at the University?---That's my understanding, yes.

Did she ever know anything about your suite of qualifications and experience?---Not that I know of.

Did she ever know about Pooja being fictitiously employed by Canberra Solutions - - -?---Not that - - -

- - - from your contact with them?---Not that I'm aware of.

I want to – Commissioner, I want to show the witness some documents.

THE COMMISSIONER: Ah hmm.

10 MR HUNT: I've got a group of them for you and there's a group of them for the witness and a group of them for people in court. Can I indicate that ultimately I will seek to have these documents marked as exhibits but they're in an un-redacted form and so that - - -

THE COMMISSIONER: All right. We'll leave that till later then.

MR HUNT: If they might be provided to those in court on the basis that they be returned after this and we'll give them – one for Her Honour and one for the witness, one bundle please. So we'll need them back but we'll
20 give them back to you in a redacted form just in terms of personal information. So, Mr Shanker - - -?---Yes, sir.

- - - I don't want to go into account numbers?---Ah hmm.

But you'll see that these are bank statements?---That's right.

They're bank statements from the Commonwealth Bank?---That's right.

And do you see that, not as part of the original document, in red on each
30 bundle there's account 1, account 2 and account 3?---That's right.

See that?---Yes.

Now, just look at account 1 first?---Ah hmm.

That's a joint account that for the relevant period was held by yourself and Pooja. Correct?---That's right.

And looking – just satisfy yourself that on 9 November, 29 November, 8 –
40 those are 2012 dates, 8 January, 2013 and 4 February, 2013 there are deposits to that account direct credits from Canberra Solutions?---That's right.

And they're variously described as Pooja, which is your wife's first name, Naik, N-a-i-k, which is her last name?---That's right.

October, November, December and January pay?---Ah hmm.

And they're each for an amount of \$3,215?---Ah hmm.

Correct?---That's right.

And then do you see the line below on – we'll do it step by step. The line below the credit of 9 November, 11 November there's a transfer to a different account - - -?---Ah hmm.

- - - in the whole amount?---Ah hmm.

10

That's the 3,215?---Ah hmm.

And then quite a few days after the deposit of 29 November, on 8 January there's a transfer of \$3,333 - - -?---Ah hmm.

- - - to that same – or to what looks like a different NetBank account. Do you see that?---Yes, I do.

20

And then after the deposit of 8 January, 2013 there's a transfer to a NetBank account on 9 January of that same amount \$3,215?---Ah hmm.

And the same thing, a deposit in on 4 February of 3,215 and then a transfer out on 24 February for the same amount. You agree with that?---Yes, I do.

And then if you look at the document account 2, the first highlight one that's got a 1 on it does that seem to be the transfer into that account of the \$3,215 from the joint account?---That's right.

30

Now, looking at that account, that is account 2 - - -?---Ah hmm.

- - - there's a withdrawal that seems to be a cash withdrawal on 14 November or is that – that's a further transfer. Is that right?---That's a further transfer.

So can you just explain to the Commissioner, there seems to be in this case a deposit into the joint account, a transfer on 11 November to the account that's got account 2 at the top?---Ah hmm.

40

And then a transfer of most of those funds \$3,000 over to yet another account on 14 November. Correct?---Yes.

And then from that third account, account 3 - - -?---Ah hmm.

- - - there's a withdrawal of \$2,700. Do you see that?---24 November are we talking about?

No, 15 November. Page 2 of account 3?---Ah hmm.

Are you with me?---Yes, I am.

Do you see that withdrawal of \$2,700?---Ah hmm.

Is that money that goes to Balu?---It could be if I recall that 2,700 one because it could be during Diwali because we pray to goddess of wealth that we set up a whole puja kind of a thing. Puja over here means a kind of a worship thing where we keep money, we keep our computer laptops and pray for that.

10

I understand about those. No disrespect to those cultural and religious traditions. I'm trying to work out – on what you have told the Commissioner - - -?---Ah hmm.

- - - Canberra Solutions paid Pooja fictitiously - - -?---Ah hmm.

- - - \$3,215 on 9 November, 2012?---That's right. Yes, sir.

And at some stage cash money - - -?---Ah hmm.

20

- - - returns to Balu – money out of your financial system in cash - - -?
---Ah hmm.

- - - into his hand. Correct?---Ah hmm.

If it's not Diwali money or if, if that is Diwali money - - -?---Ah hmm.

- - - could you please tell Her Honour - - -?---Ah hmm.

30

I mean the Commissioner where the money comes out from the original wage payment of 9 November in terms of these accounts?---Okay. So just for the simplification for everyone to understand and my understanding the money would come into account number 1, just this one.

We've established the money has gone into account 1, moved to account 2, moved to account 3?---Okay.

Now I'm wanting you to tell the Commissioner where across those accounts - - -?---Ah hmm.

40

- - - is the first occasion on which cash returns to Balu?---From this account number 3 I don't recall the exact date but I would withdraw the money from account number 3 because that was more convenient for me because I had my own bankcard for this account.

All right. Well, it would look to be for 15 November wouldn't it?---It could be. I am not a 100 per cent sure.

All right. And then in terms of the second fictitious wages account, if you go back to account 1 that's paid on 29 November?---Ah hmm.

Correct?---Ah hmm.

And then on 8 January \$3,333 - - -?---Ah hmm.

- - - goes straight to account 3. Correct?---It goes to account 9-3-7-9.

10 See there?---Sir, I'm looking - - -

On page 3 of the account 3 records?---Yes, it comes into this account.

Now then immediately below that there's, there's a payment from Canberra Solutions and that's your legitimate pay coming in from your contract, correct?---That's right.

And then immediately below that, 8 January, withdrawal Westfield Parramatta, \$2,400?---That's right.

20

That would seem to be consistent with a cash payment out to Balu, is it?---Yes, yeah.

Is it?---So this withdrawal very likely I withdrew it to pay Balu.

Well it's not near Diwali, is it at this stage?---It's not near Diwali.

All right. And then you see there's another payment on the 9 January, \$4,200 and that's after what looks like another set of wages has been transferred, another set of Pooja wages, you see that?---Yeah. So it - - -

30

And then there's a withdrawal of \$4,200. Do you accept that that would seem to be Balu payment as well?---It could be part of Balu payment, part for my trip to China.

Sorry?---It could be part payment for Balu and part for I had Australian to China dealing that time that I would've taken out some cash to travel to China.

40

All right. Well just explain to the Commissioner how if the deal was that all the money came back to Balu, why there are amounts that seem to be less or sometimes more than the amount?---So less could be that I am taking out, easier to carry a kind of cash depending upon if there are any scheduled payments of rent or electricity bill that has been going out. I never paid attention to how much I'm withdrawing, I would just withdraw an amount, I don't want to keep too much cash at home also.

All right. Is the Commissioner entitled to assume that if there's a withdrawal at the Westfield Parramatta account for a large amount of cash that that is consistent with cash being handed over to Balu?---Fair to presume but at this point in would like to tell the Commissioner that at that time I was importing products from China and I would withdraw the money from – because Westfield is the most convenient location for me to withdraw money. So I cannot 100 per cent definitely say which payment or which withdrawal was paying for paying to Balu.

10 All right. Is it a reasonable proposition if the deal that you say that you had with Balu was that Pooja would get to keep the superannuation, Canberra Solutions would pay the PAYE tax on Pooja's wages and that the wages would come into your accounts and be paid to him, that across the period that this was operating, given that Pooja was paid four lots of 3,000 - - -?--- Two hundred and fifteen.

- - - 215, that in total you would've paid Balu cash payments of four times 3,215?---I paid him back all the money whether it was in four transactions or five or three I'm not sure.

20

Could've been split across a number but you're satisfied that you paid him all the money back?---Yes, sir.

All right. And you didn't pay him anymore money, is that right?---No.

All right. And if you accept from me that the Commission has established that there was phone contact between yourself and a number connected with Balu on 9 January, 2013 that that would make it more likely to your mind that the payment of 9 January, that you withdrew \$4,200 was all or some of it paid to Balu that day?---That's correct.

30

All right. Excuse me a moment, Commissioner. As I indicated I'll tender that material in proper form.

THE COMMISSIONER: Yes, all right. Yes. I'll just mark those for identification 1 at this stage.

40 **#MFI 1 - COPIES OF THREE COMMONWEALTH BANK STATEMENTS OF MR P SHANKER**

MR HUNT: Thank you. Could I have a moment please, Commissioner. I just want to return to a different topic Mr Shaker. We're back to the topic of first meetings with Balu after he has contacted you and your best is June of this year to put you on notice that there was an ICAC investigation under way?---Ah hmm.

Can I suggest to you that you met him on 29 June, this year. Does that sound right?---If there is evidence. I said like I said earlier I don't remember the dates.

Well don't worry whether there's evidence?---No.

I think you said - - -?--- I have - - -

10 You said it was probably late June in answer to some questions by the, from the Commissioner?---Can I finish, sir? What I'm trying to say is I don't recall the date or exact dates I met him but, yes, I met him a number of times, end of June, 29 June you say, I would say 29 June because I don't have anything in my calendar. I don't have the recollection of that moment.

20 All right. It kind of makes sense, doesn't it, in the context that a meeting of that kind with Balu, you might not put in your calendar?---No. I am, I never thought about that way. The reason I was – I've been busy at work and if there is something that I would have to block out a time in a particular day I would block it out. Like for today's I've put in a time in my calendar, put in and said I'm going to ICAC investigation but my calendar says from 1.00 to 4 o'clock I'm at the doctor's just to – and say I'm away from the office.

So you know you're committed elsewhere but somebody reading your calendar wouldn't know you're here?---I told my boss.

30 All right. But take my point. So you might have an entry in your calendar that suggests to you that you were tied up without it helping you know whether you were meeting Balu or not?---So no one else can read my calendar, they can just see my availability whether I'm available or not.

All right. When you met Balu in late June, I think you said that that meeting you thought was in North Sydney?---All the meetings - - -

Let's – don't worry about all the meetings?---Okay.

That meeting, right, the meeting in late June, the first meeting that you had with Balu did you have a long conversation with him?---Yes.

40 Did it go for more than an hour?---I would say approximately an hour.

Could it have been even up to two hours?---No.

Are you sure?---It couldn't be two hours. I cannot get away from work for two hours at a length?

Having met him in North Sydney, where did you have the conversation?--- In his car.

All right. So you physically got into the car with him and you were there for an extended period of time?---Yes.

And what was the conversation?---Like I said, earlier initially he told me that he's been – the matters are being investigation, what he should do, why he's being investigated, what, what course of action should he take. He discussed about Pooja's work, that thing, he told me not to tell anyone - - -

10 All right. When he told you not to tell anyone did he tell you to lie if you were asked about things?---If he asked, he said "If anything is asked you say you don't, you tell the fictitious lie that she used to work for him", and he constructed the story as to, I asked him what Pooja used to do, he's told me that "Okay, you can say that she was working for him on maybe a call centre thing that might come up", so those discussions came up.

So he not only told you not to tell the truth but he provided you with material that created a false story about the employment?---So I asked – I - - -

20 Is that the character of what he did?---Can I summarise in my words if I may be?

Well you can summarise in your words in a moment but I want you to – first of all you agree that he told you not to tell the truth about the Pooja employment?---That's right.

30 And he constructed a version that you would tell that wasn't truthful, correct?---So he asked me to tell Pooja if someone calls her up and talks to her about this what story she should tell.

Okay. So he told you to lie?---Ah hmm.

Correct?---Ah hmm.

And he told you to tell Pooja to lie if she was asked?---Yes.

40 All right. Did you want to explain it more in your own words?---I mean I – one thing was I wanted to say I wanted to tell the truth and I told him, see, I haven't done anything. Yes, I was under pressure so I told him that I don't, I want to distance myself, I want, I don't want to be part of this and I said see, it's for you to figure out what is happening, I can't advise you on anything, you need to discuss with a lawyer or anyone and I wanted to safeguard myself also so I asked him questions what Pooja should tell if she, they said okay, she in call centre, I said Pooja is not from ICT background so she wouldn't make a head or tail out of what happens in a call centre, those kind of question I mean, I raise questions and I discussed about that.

So were you telling him that there were problems with the fake version and that it should be different?---I, I was telling him that the story doesn't hold water.

And you were saying to us that you wanted to distance yourself from this but is that something that you said to Balu?---I kind of mentioned to him not very directly though I should have told him that I want to distance myself and not talk to him, with him any further on this matter but I didn't directly mention it to him.

10

But are you saying that Balu would have been left with the impression from your meeting with him in the car in late June this year that you were not going to lie?---Oh, I showed my displeasure but at the time I was scared that, that what the arrangement, the fictitious pay arrangement was. I think he had more bargaining power in my mind that it's better for me to comply than to object because that might bite me in the wrong place.

20

Why did he have more bargaining power?---Because he knew that because I knew in my heart that what, what the arrangement we had was not the right thing to do.

All right. You knew that, you knew that you done the wrong thing?---Ah
hmm.

But you knew that he'd done the wrong thing?---I never thought from that perspective, sir, honestly.

30

Well, you knew that he'd been paying wages for somebody and getting cash back for somebody who'd never worked for the company?---I am not, not the right person to judge, I know what he did was wrong but I felt for myself that I am, I have never done, apart from this any wrong thing and I don't want to be on the wrong side of the thing so - - -

All right?--- - - - I, from, I became meek and I, I sat down so it was my mistake.

All right. Just pause. Today you're telling the truth aren't you?---I am 100 per cent telling the truth, that's what I'm confident and - - -

40

Was there a point after your conversation with Balu when he's telling you to lie and constructing a false account in terms of Pooja's employment with Canberra Solutions when you didn't tell the whole truth in relation to this investigation?---Yes.

So you in fact did exactly what Balu asked you to, that is lie to the - lie in relation to the investigation?---Yes.

And you did that to protect yourself?---Protect myself ah - - -

You did it to protect your wife?---Protect my wife, yes.

And you did it to protect Balu?---No, not so much to protect Balu, I was scared for myself, other reason being I have been unemployed, I have seen the power a recruiter holds, I don't want to be in wrong books of anyone, my company is going through a restructure, the first interview that I had for this Commission at that time my mother had an operation, a major operation
- - -

10

All right. But hang on - - -?---I was distraught.

Just stop for a minute. Balu asked you to lie?---Ah hmm.

Correct?---Ah hmm.

And you're I suggest an intelligent enough man to know that he was not suggesting you to lie to protect you or Pooja but he was suggesting you lie to protect him?---I never thought from that perspective.

20

Are you seriously saying that - - -?---I - - -

- - - bear with me, when this man met you and conferred with you, having told you that there was an ICAC investigation in place not to talk about it on the phone, meet and sit in a car and he tells you to lie in circumstances where you know the employment arrangement is fictitious that it didn't cross your mind that you were protecting him if he lied?---From that perspective if you're asking and please this time around hear me out before just passing a judgment with your facial expressions because today I am speaking the truth so I am confident about myself. Here's the thing, he asked me to say something and I did it because I felt that would protect me also, I never thought from his perspective that I have to protect him. My whole agenda was to protect myself.

30

THE COMMISSIONER: I think there might be some misunderstanding here about the purpose of the question?---Okay. Sorry, Commissioner.

So we're not being, we're not being critical, we're trying to understand the motivation behind your maintenance of the lie so as I understand it you're saying that your primary concern was for yourself and your wife?---Yes.

40

Right. Whether or not it assisted Mr Balu was not your principal reason for lying?---No.

You were more concerned about yourself?---I was, I'm, I'm - - -

All right?---I'm scared till now but when I am speaking the truth I am feeling confident.

All right. But what's being suggested to you, tell me if you agree with this or not, is despite the reasons why you did lie, the primary reason why you lied, despite that, you understood that by lying you were not only protecting yourself and your wife but you were also preventing the nature of Mr Balu's conduct from being made public, you understood that's what you were doing as well?---Oh, now if I think about it that way yes, I – by mistake I did it.

10 All right?

MR HUNT: All right?---In protecting myself - - -

THE COMMISSIONER: All right?--- - - - I ended up protecting him.

I think it's about motivations rather than - - -

MR HUNT: Yes.

20 THE COMMISSIONER: Yes, go on.

MR HUNT: I'm grateful, Commissioner?---I am sorry for raising my voice.

It might have just saved, saved some time.

THE COMMISSIONER: No, that's all right.

MR HUNT: No difficulty. At any stage whether when you were still
30 contracted to the University of Sydney or after were you asked by Balu to
sign a backdated contract in relation to your employment or on contract?
---Can you please, please repeat the question I'm sorry?

All right. At any stage either during the time that you were contracted to the
University of Sydney or after your contract had finished did Balu ever ask
you to sign a backdated contract?---Yes.

How did that come back?---So during one of the meetings, I'm not sure
which one, he said we don't have your signed contract or Pooja's contract,
we might, and I thought it might have been misplaced so he asked me to
40 (not transcribable) and sign a contract for myself and Pooja and give it to
him.

And do I understand that this is one of a series of meetings that you had
with Balu that started with that first meeting in the car?---That's correct.

So this happened sometime in the second half of 2015 - - -?---That's right,
yes.

- - - you were being asked to sign for yourself a contract that you considered was true except for that it was years after the event?---That's right.

And you were also being asked to have Pooja sign a contract that was always fictitious?---Ah hmm.

I'm sorry, Commissioner, we're just going to an unredacted document. I'm going to show the witness with the assistance of those in court can be found at 45 to 50 of volume 13.

10

THE COMMISSIONER: Ah hmm.

MR HUNT: And there's one for the witness, one for you, Commissioner, one for me and some for your associate. I'm sorry, wrong way around. And perhaps we could put the redacted one up on the screen if that's convenient too for the people who do that stuff so well?---Thank you.

20

Just have a look at that document would you please, Mr Shanker, and particularly if you could give your attention to what is written in handwriting on page 49 and 50, if you see the little numbers down in the bottom corner. Do you see that?---Yes, sir.

Ignoring for the moment what is written on the lines that say signed on behalf of Canberra Solutions and name, where it says agreement, I Pranav Shanker on page 49, is that your writing?---That's right.

And where it says signature of contractor, is that your signature?---Yes.

30

And where it says 1806 2012, is that in your handwriting?---Yes.

And is the effect of your evidence that you wrote that date in but you wrote that date in when you signed this document and wrote your name on it, sometime in the second half of 2015?---That's right.

And you did that knowing that Balu was asking you to do this to fix up the paperwork about things that were being investigated, in effect?---I was told that he did have my contract so he asked me to do it and I did it.

40

But you knew that it was something to do with his concerns about the investigation?---I presumed.

And the same thing on the next page, page 50, Pranav Shanker, a signature, the name Pranav Shanker and the date, they're your entries?---That's right.

Same situation, entered some time second half of this year?---That's right.

Now, when you signed this, were the portions signed on behalf of Canberra Solutions and the name Sonata Madambikat and I'll spell that for the record

M-a-d-a-m-b-i-k-a-t - were those bits signed and filled in or was it blanked?---They were signed and filled in.

And were they signed and filled in while you were signing and filling in your bits or they were already signed and filled in?---They were already signed in and filled out.

And on the second page, page 50, there's a date there of 18 June 2012, was that already signed?---Yes.

10

Did Balu tell you who Sonata Madambikat was?---I think when discovered that she is a partner in Canberra Solutions.

So you knew that that was this woman that you thought of as his partner?--- Ah hmm.

I mean partner in life.---Ah hmm.

20 Did you know her by that name or you just knew her by the first name Sonata?---I just knew her from the first name Sonata.

Had you ever known that she was known as Sonata Devadas?---I did know (as said) that she was known as Sonata Devadas, I just knew Sonata and may be Sonata Madambikat because the emails that I used to send to her, remember the time sheets.

They had Sonata M on them.---Sonata M on them.

30 All right. So you drew your own conclusions it was the same person.--- Trying to.

Did Balu say anything to you about when this document had been signed by Sonata?---No.

Did you, in fact, sign a contract with Canberra Solutions in 2012?---I don't recall. I don't (not transcribable) I don't recall, I recall that I had signed a contract at Paxus but I don't recall signing this contract with Balu or Sonata in 2012.

40 Did you, I think you've answered this, but did you ever sign a contract that showed you what your daily rate was back in 2012?---Oh, I signed a contract with Paxus, I don't remember the content of the Paxus, what was - -

All right. Could the witness be shown Volume 13 page 43 please. Do you see there there's a contract Canberra Solutions as the contractor, the consultants name, your name, University of Sydney.---Ah hmm.

Except it says the New South Wales University of Sydney but that would seem to be a contract about your employment at the University of Sydney, correct?---Okay.

And you see the rate per day - - -?---Yes I can - - -

- - - \$830 exclusive of GST. You weren't being paid anything like that amount were you?---No, I was - - -

10 Even when you do the sums counting in the quarterly fees of \$4,000 study fees - - -?---I wasn't paid that much amount.

When did you ever first understand that there were contracts showing that amount?---I, this is the first time I'm seeing the per day rate.

So right now, at quarter past 4.00 on 9 November, 2015 is the first time that you've ever seen a document.---Can I answer - - -

Can you just - - -?---Answer this.

20

Can I just answer my question.---Yes, I'm answer that question.

Go.---I signed a contract with Paxus, I don't remember what was the rate on it. This \$830 I'm seeing for the first time.

All right. You would remember, given how much you were in fact being paid, if you had seen any document attributing \$830 a day to you?---\$830 I should have remembered but at that time I was happy to get a job, I didn't pay attention to what rate I was being paid.

30

All right. Well, just look at page 55 on the page of the same volume, volume 13. Now I want to accept and probably see the writing, the writing for the date in the corner, does that look like your writing?---That's my writing.

I want you to accept that there's something at least broadly consistent with your signature and your name in the very bottom corner next to that date, 18 June 2013.---Ah hmm.

40 Do you see where on the other form it said that higher amount of compensation, do you see as per schedule A there?---Ah hmm.

Does that seem consistent with you not knowing that rate of \$830 a day when you signed that form?---So I signed this contract, it said as per schedule A, I never got the schedule A.

And that, that would seem to be the contract that you've just been giving evidence about having signed for Paxus back at the time, correct?---So this is the contract that I signed with Paxus.

Thank you. Can I just have a moment? All right. I want to show the witness an unredacted copy so it's 53 and 54, pages 53 and 54 of volume 13. I'm doing this on the run so I apologise to those in court that I don't have the document that will be tendered tomorrow as an exhibit.

10 THE COMMISSIONER: Ah hmm. Yeah.

MR HUNT: So - - -

THE COMMISSIONER: You want to show him that document?

MR HUNT: Yes, could I?

THE COMMISSIONER: Could you show that to the witness.

20 MR HUNT: There's a redacted version of the document up on the screen, Mr Shanker, but could you look at this unredacted version because I want you to see the signature?---Ah hmm.

Do you see the document that I'm showing you has the \$830 per day on it? ---Yes, it does.

And do you see who, who seems to have signed and put their name on the contractor area or the consultant area of that form?---Sonata Madambikat.

30 Thank you. And you've never seen that document I assume until this moment?---That's correct.

So I'll tend it and we'll provide copies to those in court.

THE COMMISSIONER: Yes, all right. That document is Exhibit E3.

40 **#EXHIBIT E3 - UNREDACTED COPY OF A CONTRACT WITH
THE CONRACTOR BEING CANBERRA SOLUTIONS PTY LTD
DATED 18 JUNE 20112**

MR HUNT: I've just got one more document I want to go to the witness with. What was the first – you had one attachment as a project when you first started with the University didn't you and then you changed to the Cloud project. Correct?---That's right.

What was the first project that you were working on?---That was called Web Security Program of Works.

All right. And then you moved onto what was called the Cloud project? ---Internal Cloud provisioning.

And your contract – you were still working on that project at a time that your contract came to an end and wasn't renewed?---Yes.

10 And why did that happen?---So I was working on Web Security Program of Works. There was an initiative at the University of Sydney to develop an internal Cloud. I felt that if I am on that project I would get further skills as well as if the project is extended because I knew this project would be ended before – it, it was a six-month contract. If I have something which is ongoing work my contract might be extended.

All right. Now, there's a document within the University records, and this is page 284 of volume 13, Commissioner, signed by Mr Meeth saying that you were dismissed for poor service. What communication was there made
20 to you about that?---I was told my contract won't be extended in December and I had an exit interview. He asked how I was working and I wasn't told anything on this thing.

So you weren't told that you've been dismissed for poor service?---Yes.

Yes, that's the examination. Thank you, Commissioner.

THE COMMISSIONER: I realise the time. Does anyone have any questions of Mr Shanker? Do you, Mr Dennis?
30

MR DENNIS: I do but there's – I'll be very short but there's, there's one issue that's just been raised. I'll need to get some further instruction.

THE COMMISSIONER: All right. I think we'll have to resume in the morning if that's the case.

MR DENNIS: Yes. Thank you.

MR HUNT: I've got one more topic that I can – if Mr - - -
40

THE COMMISSIONER: Well, I think - - -

MR HUNT: - - - Mr Shanker has to come back I think I can conveniently do it.

THE COMMISSIONER: I think he's going to have to come back. Mr Shanker - - -?---Commissioner, I – can I request if we can finish it up today. My company is going through restructure. I attended a meeting

today in your office from 2.00 to 3.00 over the phone. My managing director was on the phone. It's - - -

I know that, Mr Shanker. Everyone who comes here is inconvenienced at it's unfortunate?---Tomorrow I have a very important project meeting and it's – the thing is the timing is where the company is going to restructure. If I don't work - - -

I appreciate that?--- - - - I might lose my job.

10

I appreciate – no, you can't lose your job because there are provisions that exist that prevent employers from taking punitive action against someone who is required to be here under compulsory service so rest assured he cannot do anything by way of punishing you for attending these hearings. Now, what time is the meeting tomorrow?---Let me check. I have from morning till evening.

20

Well, what time is the meeting tomorrow?---I can tell you. Just give me a minute, Commissioner. Tomorrow the first meeting that I have is from 1 o'clock so I have to be in the office to start up the meeting, get everyone - - -

All right. Well, I'm pretty sure that you'll be well and truly gone by then because if we start promptly at 10 o'clock I'd very surprised if you were still here at half past 10.00. Would that be right, Mr Dennis?

MR DENNIS: Yes, Commissioner.

30

THE COMMISSIONER: All right. So half an hour but that's all?---Thank you, ma'am.

So we'll resume tomorrow at 10 o'clock. Thank you. We'll adjourn.

THE WITNESS STOOD DOWN

[4.24pm]

AT 4.24PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.24PM]

40