

ELGARPUB00149
10/11/2015

ELGAR
pp 00149-00192

PUBLIC
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 TUESDAY 10 NOVEMBER, 2015

AT 2.01PM

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

MR HUNT: Commissioner, this is Mr Azrak. He's not represented today.

THE COMMISSIONER: Just take a seat, Mr Azrak.

MR AZRAK: Thank you.

10 THE COMMISSIONER: I just need to explain something to you about the procedure that we follow. Mr Hunt is going to ask you a number of questions and there may be questions from other people in the room. You are obliged to answer all the questions truthfully even if answering those questions might involve you in some wrongdoing, and I'm not suggesting that's the case. But you would normally be able to object to each and every question as it is asked and by doing so you would protect the use of your answers against you in civil or criminal proceedings.

MR AZRAK: I've got no issues. That's fine.

20 THE COMMISSIONER: I just want you to hear me out. I can make an order which operates as a blanket objection so that all of your answers are protected from use against you in civil and criminal proceedings but it doesn't protect if it should be found that you have given false or misleading evidence to the Commission because you would nonetheless be able to be prosecuted on the strength of those answers. Do you understand that?

MR AZRAK: Yes.

THE COMMISSIONER: Do you want the order?

30 MR AZRAK: I don't think I need it.

THE COMMISSIONER: All right. Would you like to be sworn or affirmed?

MR AZRAK: It doesn't matter.

THE COMMISSIONER: All right. Well, we'll have him affirmed then. Thank you.

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Your Honour, given the approach that Mr Azrak has taken, if there is something that would excite a particular need I'll - - -

THE COMMISSIONER: You will let me know.

10

MR HUNT: - - - let you know.

THE COMMISSIONER: Thank you.

MR HUNT: But I don't anticipate it.

THE COMMISSIONER: Right.

20

MR HUNT: And there is nothing in the material that I've seen that would suggest that is going to happen.

THE COMMISSIONER: Thank you.

MR HUNT: Your name is Anthony Azrak?---Yes. My preferred name is Tony but that's, that's what I'm known as on my business cards and my email.

Thank you?---But that's my formal name.

30

And you signed a statement to the Commission of eight pages?---(No Audible Reply)

You're nodding. Does that mean yes?---Yes. Sorry. Yes, I did.

And when you provided the material that formed the basis of what is in your statement you were doing your best to be truthful and accurate?---Yes.

And you understand that the Commission has that material before it today? ---Yes.

40

I want to ask you some clarifying questions in just some confined areas, Mr Azrak. You understand?---Yes.

I understand that the position is that even though you were employed for a period of time at Aristocrat you knew that Mr Meeth, Jason Meeth was employed there but your paths didn't cross because you were in different work areas?---To be perfectly honest I had no knowledge of Jason Meeth until I got approached for the role at Sydney University

It was only after the event that you came to understand that he had been at Aristocrat and arguably across the same period but you didn't know that at the time. Correct?---That's correct. We were in totally separate areas of Aristocrat. He was working in IT and I was in R and D which got transferred to an area called General Products – Product Delivery and Development.

10 All right. In any event, your paths didn't cross and you didn't know him before?---No.

How long after your redundancy at Aristocrat were you not employed until the opportunity came to have your candidacy put forward for a role at the University of Sydney?---It wasn't long after that. When I finished with Aristocrat I was in an outplacement program for about two weeks and in the meantime I started job hunting and before I left Aristocrat I had a word with obviously all my, my, my, mentors and program managers. One of them in particular whose name is Asanga Perera - - -

20 All right. We'll come to that. So through Asanga Perera you came to know about Balu Moothedath?---Yes, but I knew nothing of him until he mentioned him.

Understand. And then your first contact was with Balu and that was a telephone contact?---I believe Asanga either gave me an email and a phone number and said just get in touch with him and see if he's got any roles on because I think, Tony, you've got a good skillset and he might have some work for you.

30 All right. As I read your statement, in your first conversation with Balu - - - ?---Ah hmm.

40 - - - he indicated to you that there was the possibility of a role at the University of Sydney?---He didn't go into any specifics but he just basically told me about like the kind of work that he does in terms of like recruiting PM roles which is what I do and he asked about my skillsets, whether it's technical or apps, infrastructure, all that kind of stuff and software development. So I told him about what I do and he said that he might have a role and then about, I don't know, a day or two later he got back in touch with me and then he told me about the role at Sydney University.

And then I gather that he told you about the possibility of a role at the University of Sydney before you had provided your résumé to him?---Well, he did not – he – I think he followed correct procedure and he did not - - -

Sir, just listen to my question - - -?---Sorry.

- - - rather than speculating. Did he propose the role at Sydney University before he had received your résumé?---I would say no.

10 All right. Well, just help me with this. As I understand it, paragraph 8 you say you had a – you can't remember who called who but you had a conversation – one conversation in June, 2012, "I do not recall the exact conversation but I do recall that we discussed a possible position in project management at the University of Sydney"?---It was general project management and then once I sent my CV and he got some feedback then he mentioned Sydney University.

All right. Well, help me with this. Paragraph 9 you say, "Balu informed me that he was aware of a position that had become available as project manager with the University of Sydney and that I might be a suitable candidate. AS a result of that conversation I forwarded my résumé to Balu via email." That seems - - -?---I - - -

Bear with me. That seems rather clear in the chronology - - -?---Ah hmm.

20 - - - that you knew about the job and then you send him the résumé?---No, that's incorrect.

Could you tell me when is the most recent time you've spoken to Balu?
---When I left Sydney Uni. December, 2013.

Haven't spoken to him since?---I tried to contact him but he's never returned my phone calls.

30 THE COMMISSIONER: Mr Azrak, do I take it that he discussed something with you about a project manager position at University of Sydney - - -?---Yes.

- - - and you indicate in your statement that you sent your résumé to him as a result of that conversation but now you seem to be saying that he – you had already perhaps sent the résumé to him?---Yeah. Can I just clarify. I sent in my résumé.

Yeah?---And regarding any PM work.

40 Yeah?---And in a very short space of time he came back and said we've got a role here at University of Sydney that we would like to put you forward for.

Okay?---And that's what happened.

So the order of those two things in your statement is wrong?---Maybe.

Okay.

MR HUNT: All right. After you forwarded – after you knew your name was being put forward to the University of Sydney what other discussions did you have with him, if any, about arrangements for your candidacy before you went for an interview, were there any discussions at all?---Yes. We had a phone interview definitely.

All right. And what did that - - ?---It was quite a thorough phone interview, it went for about an hour.

10

THE COMMISSIONER: And who's this with, sorry?---With Balu.

With Balu. Right?---I mean I think, we, we might have had two conversations, one of them was a formal interview and the other one was just a, he was just trying to clarify I guess fit and skillset first of all and then after that he did the formal interviews with, you know, skills and behavioural questions and things like that.

20

MR HUNT: When did that happen?---Ah, I'm gathering it would have been around in June.

THE COMMISSIONER: Did that happen before or after you sent him your resume?---After.

And before or after he indicated that there was a job at Sydney University? ---I can't remember to be honest, it might have been after or it might have been around the same time or before. It was a long time ago.

30

MR HUNT: Have you ever had a conversation with anyone else apart from Balu Moothedath connected with Canberra Solutions?---Never a phone conversation, I mean obviously Jason.

No, I'm talking about Canberra Solutions?---I'm aware of a partner that he has called Sonata who handles the timesheet processing and I only dealt with her via email.

All right. You never talked to her ever?---No.

40

And haven't. And are you saying that you've never had a conversation with Mr Moothedath since this, the Commission's been interested in this matter? ---No.

All right. And I think you've indicated that Balu told you that you would be seeing somebody called Jason Meeth when you were interviewed. Is that right?---Yes. He told me that was the recruiting manager, that would be my contact and there may be someone else in the room but as far as I knew I report to Sydney Uni and ask for Jason Meeth at the, at the Camperdown campus.

All right. In any event you were interviewed by him and somebody called Neill Li?---Correct.

And how long did that interview go?---Oh, probably about an hour.

And I think the position is that after that interview you provided two references and you know that at least one of those referees was contacted by Balu?---Yes. I think I've got a copy of that, that's from Vance Abreu.

10

Doesn't matter but - - -?---Okay.

- - - Vance told you that he had been contacted?---Yes.

When did you first understand that there was some involvement of Michael Page in terms of your recruitment?---I didn't know it was Michael Page specifically but once I got a good feeling about my employment being secured and we were talking about salaries and things like that Balu explained that because this government, he was, he was giving me a rough idea about how C100 works and that sort of thing and because of that that's why rates may be a little bit less than usual however he might be looking to review that and maybe give me other suitable benefits that were appropriate.

20

All right. And did he explain to you that effectively Michael Page had to put your candidacy forward and that he, both Michael Page and he would, he being Canberra Solutions would take some kind of margin?---Yes.

All right. Did you have any idea about the scope of the margin?---None whatsoever.

30

Are you saying that Balu told you that Canberra Solutions wasn't a registered C100 company before your name went up to the University of Sydney?---He said that he would be contracting me through another agency and eventually the conversation came up that it was Michael Page and because of my situation I didn't really worry too much about it because I was being compensated enough to get by on due to my, my situation and that we would review it on my next contract, especially because I was doing my certifications.

40

All right. And did you ever come to know how much you, your services were in fact being charged the University?---Not until I had that conversation with Simon.

And then what did you come to understand?---That I got ripped off. Like I know they were making a margin but I never knew it was the scope of that magnitude.

And could the witness be shown pages 13 and 14 of volume 18. Mr Azrak, when you look at these documents your actual signature has been redacted just for confidentiality purposes and security - - -?---Yeah.

- - - purposes, you understand but - - -?---Yeah.

10 - - - seeing those pages are they consistent with the execution pages of a contract that you were provided by Balu?---Yes, I mean it was something that I wasn't happy about but we had a sort of an informal agreement that we would review it and once I had my certifications come new contract time he'd either try and help me out with a job somewhere else, certainly on a lot more money, closer to what the market's being paid.

And when you say you weren't happy you weren't happy that the daily rate was 363.30?---No, I was – well, I thought it was appalling to be honest when I heard what other people were getting paid at Sydney Uni, given that I had more experience.

20 Could the witness please be shown volume 18, page 16 and 17 or 16 will do please. Is what you're being shown there an example of one of the timesheets that you would sign and that Mr Meeth would sign?---Yes.

And would you then send that to Michael Page or would you send that - - -? ---No.

- - - to Sonata?---I would send that to Canberra Solutions via Sonata via email and I've got copies of those. If Jason wasn't available there'd be another delegate who could sign in ICT.

30 All right. I gather when you first contacted Balu that whether through Mr Perera or through yourself that he was aware that you'd been made redundant at Aristocrat?---Probably, yes.

Do you think he took advantage of your personal circumstances to negotiate a rate that was very low?---It wouldn't surprise me, yes.

Is that your view of it?---Yes, yes.

40 That's the evidence, your Honour, Commissioner.

THE COMMISSIONER: Does anyone have any questions of Mr Azrak? No. No. Thank you, Mr Azrak, you may step down, you're excused? ---Thank you.

THE WITNESS EXCUSED

[2.17pm]

MR HUNT: Could I indicate a couple of things, Commissioner, to you and to those in court or in the hearing room more properly, first the process of getting the exhibits up onto the public website is virtually complete if not complete so I would expect by the time we adjourn today that material will be there.

THE COMMISSIONER: Yes.

10 MR HUNT: Secondly a witness that was scheduled today, Mr Dhawal, will be I anticipate the first witness tomorrow - - -

THE COMMISSIONER: Yes.

MR HUNT: - - - and so the witnesses for the balance of today are Mr Meikle or Meikle (pronounced as Michael), depending on the way you say it and then Mr Li. I just want to check that Mr Meikle's actually here.

20 THE COMMISSIONER: Is Mr Meikle (pronounced as Michael) in the vicinity? Yes, he is. Yes.

MR HUNT: All right. Well, I'll call him now if that's convenient.

THE COMMISSIONER: Yes, if we could have Mr Bruce Meikle (pronounced as Michael) please.

MR HUNT: And I don't know if Mr Griffin's content where he is or whether he wants to move up a little closer?

30 MR GRIFFIN: Yes, I appear for Mr Meikle (pronounced as Michael). He will make an affirmation and he does seek a section 38 declaration.

THE COMMISSIONER: Thank you. Thank you Mr Meikle (pronounced as Michael), just take a seat. Mr Griffin has indicated that you understand the nature of a section 38 order.

MR MEIKLE: I believe I do, yes.

40 THE COMMISSIONER: All right. Could I just make it clear to you that the order protects you against the use of your answers against you in civil or criminal proceedings but doesn't protect you if it should be found that you've given false or misleading evidence. You understand that?

MR MEIKLE: I understand that, yes.

THE COMMISSIONER: Thank you. 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.

10 **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.**

20 THE COMMISSIONER: Would you like be sworn or affirmed, Mr Meikle
(pronounced as Michael)?

MR MEIKLE: I think affirmed.

THE COMMISSIONER: All right.

MR MEIKLE: And it's Meikle, Commissioner.

30 THE COMMISSIONER: It's Meikle. Well we've had that debate in here
already Mr Meikle and people have said different things but I'm glad
you've corrected us. Could we have Mr Meikle affirmed, please.

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Is your name Bruce Meikle?---It is.

And is your surname spelt M-e-i-k-l-e?---Correct, yes.

10 Do you remain the chief information officer at the University of Sydney?---
Yes.

Mr Meikle, you prepared a statement to assist this Commission date 4
November, 2015?---Correct.

When you prepared that statement you did so based on your own knowledge
and access to various university records, is that right?---Correct, yes.

20 And you were doing your best to be both truthful and accurate when you
prepared that statement?---To the best of my knowledge, yes.

Thank you. I just want to go through some, some matters with you. Could
you just elucidate for those of us less learned in these things. When you talk
about the aim of the PMO that's the Project Management Office to establish
a set of standardised project management processes that are loosely based
on Prince 2 principles. Without going into deeply could you just explain
what Prince 2 principles are?---Okay. Prince 2 is essentially a project
management methodology. There are several. They can be very detailed in
their specifics. They go to things like process, stage gates approvals,
30 governance of a project, project boards or committees. They outline a lot of
that. They are often designed for very large projects for the university. The
types of projects mostly we were running didn't need the full thing. It's a
hybrid - - -

All right. And is the case that within projects to be managed within the
University structure, let's limit ourselves for the moment to 2012 and 2013.
Some will be if you like in house projects that are about managing the
existing workload or processes of the University and then some will be
40 projects where the University is providing a project service such as a piece
of research to be, if you like, a commercial product for a different user. Is
that right?---Not exactly. In this case these were all projects for the
University. There may have been some for researchers doing research but
they wouldn't have been projects for commercial benefit outside primarily.

All right. And if there were a project manager on a contract that effectively
wasn't being fed work and was sitting awaiting work but attracting a daily
rate, I assume that's just a, a net loss for the University?---It would be if
that, if that were happening and part of the reason we used contract

resources so we could flex up and down. But, but it is entirely possible somebody could've been sitting on the benches for a period of time.

All right. In paragraph 12 you explained that Jason Meeth worked within the PMO from February, 2012 to July, 2013. He reported, his direct report was to Andrew Cooper, correct?---Correct.

10 How did your role interact in any direct or indirect fashion with Meeth's role?---On a day to day basis not a lot. Projects were only a small part my overall portfolio. I would've met with Jason you know, on summary project reports on a monthly basis perhaps. We would've met on particular projects which might've had difficulties or for which I needed an update for, for meetings and the executives at the University. But not a lot of day to day formal engagement.

20 Paragraph 13 you indicate that on 26 June, 2013, Mr Meeth resigned and that his last day at work was 19 July, 2013. Do you know on what basis he resigned or what was communicated to the University about that?---My recollection and you know can't, can't be absolutely certain, but my recollection was that he had got an offer from the Roads and Maritime Authority and that that was a better offer than he had at the University. I believe it was his choice at the time.

30 All right. You say that in Mr Meeth accepting the University's offer of employment dated 13 December, 2012 when he moved from his previous role as a contractor to the position of head of projects, that he acknowledged that he'd read, understood and would comply with the University Code of Conduct. How is it that you're able to say that?---So the only reason I can say that is I believe everybody who joins the University as a permanent employee is provided with the Condition of Contract and of the Code of Conduct and it is part of their terms of employment to understand and read that.

And, and is a similar position apply in terms of his letter of offer stating that he had an obligation to comply with the University's policies while employed at the University?---I would expect that be the case but I can't assert to whether it was.

40 And is the Code of Conduct caught within the University's policies generally although it's a particular document?---I believe it is, yes.

I want to go to matters that you deal with in your statement under labour hire which is paragraph 31. And you indicate that recruitments conducted by Mr Meeth were signed off by more senior directors within ICT. Can I get you to pause with that thought. Was that only the case if there was another more senior person whose project it specifically was that would sign off on Meeth's recruitments?---I would've thought at the time most of the contracts would've been signed by either another director or myself.

All right. And is that just what the general practice is or is there some policy governing that?---Yeah. So it's absolutely the policy now. In fact it even goes one above me.

10 And when you say that's absolutely the policy now, does that suggest some tightening after these events?---So, so in the context in 2012, Operation Citrus was underway, an ICAC investigation. We were implementing a number of tightened polices around all of our recruitment practices. I can't be certain at the start of 2012 whether, whether all of those were in place but we were certainly implementing much tighter controls.

20 All right. And principle among them was the next bit of this sentence where you're dealing with recruitments by Mr Meeth and you say "And were only possible from labour hire agencies on the C100 panels"?---So, correct. So in 2012 we started to introduce the policy of C100, C100 contracts be the only way to go for labour hire. We would probably in 2012 still have had a number of contractors from other agencies as those were running, as those contracts were running down.

20 Yeah. So other agencies that had already pre that change recruited?---Yes, correct.

But it was understood I gather that when contractors if it were, if it were not exercising an option situation on an existing contract but a new contract - - - ?---That we would go to C100.

- - - that the University's policy would have to be through a C100?--- Correct. And I, yeah.

30 Are you confident that somebody in Meeth's position would have understood that requirement?---I would have hoped so. I would, I certainly would have made it clear to, to my direct team that that was the way we were going and I, and I believe they were implementing that policy around that time.

40 And this was a fairly steady focus for the University at this time because of ICAC's recommendations in Citrus. Correct?---I was certainly focussed on it because of Citrus, yes.

And I presume apart from that being a recommendation - - -?---Ah hmm.

- - - one of the reasons that the University thought it was a good idea was because of the rigour that would be brought to reviewing candidates by accredited C100 companies?---Yes, it, it gave us A, an assurance that, that the C100 companies had been through some accreditation by the state body, that they were reputable firms and it also helped us with standardised contract paperwork.

All right. The way you summarise it, and I'll just you to specifically adopt this unless it's not a good summary - - -?---Ah hmm.

- - - paragraph 34 you say, "The C100 was introduced - - -?---Ah hmm.

- - - to ensure the University used contract agencies that had been vetted by the New South Wales Government and to simplify contract negotiations and so that standardised contracts were used?"---That, that is certainly the intent we had at the time of adopting it, yes.

And that effectively encapsulates a number of the last - - -?---Yes.

- - - answers that - - -?---Yes.

- - - you've given, and is one of the benefits of the standard contract, apart from standardised terms, that it's understood what the recruiter's margin or finder's fee is and then what the contractor is being paid?---I believe that was part of the contract but I don't recall the specifics of, of what those margins were.

THE COMMISSIONER: Mr Meikle, as I understand it, in the IT industry there's a very very broad range of qualifications and so you can get contractors to fill particular roles that go from a very basic one to a very complex one, but as I understand it, one of the other benefits of the C100 companies was that Government instrumentalities, Government agencies could confidently employ someone from one of those C100 companies knowing that the recommended bandwidth if you like of the daily rate accurately reflected the qualifications and the capacity of the person they were putting forward, because it offered the agencies some assurance in knowing that they were getting the product they wanted at the price that was reasonable?---Broadly that's what I would – well, that's what we expected and that's what I would expect. It's not to say you don't get an individual who doesn't perform or, or, or so on and for that reason we have typically a 30-day clause in all our contracts, a termination clause, but broadly, yes, you would expect the skillsets, a standardisation of the described skillsets and the, and the, and the rates and the kind of capability, yes.

MR HUNT: Thanks, Commissioner.

And another benefit of the standardised contract arrangement through C100 contractors as they were being introduced was transparency in terms of the contracting arrangements. Correct?---I think for us that was, that was certainly true. I mean we were looking to make sure we had agencies that we knew were, you know, were solid organisations.

And that was particularly so - - -?---On the back of Citrus.

- - - not only, not only on the back of the Citrus recommendations but because of the factual matters that had given rise to the investigation in Citrus?---Sure, yes.

And you say at paragraph 37 that in your view Mr Meeth was required to ensure the standardised procedure for engaging contractors was followed. Why do you say that? It might seem self-evident but can you just explain to the Commissioner why you would consider that he was so required?

10 ---Only that I believe everybody in the Department at the time knew about Citrus, that we'd said we wanted C100 and would only engage C100 and wouldn't sign off any contracts that were not C100, so you know, I can't put any other spin on it than that or explanation than that.

And given that your particular role in the University, you're confident aren't you that one of the benefits to the University when it chooses to use contract hire is that it's not obliged to pay things like holiday leave and so on?

20 ---Yeah, I mean my, my understanding of contract hire is that it's charged on a per hour or per day basis. These would mostly have probably been per day and you pay for the, the days labour that, that is provided.

And you cover this in your statement, but just to be clear, does it remain your view that at least in 2012/2013 there weren't circumstances where you would readily expect that the University would be paying daily rates for a contractor who was in fact overseas?---So what I'm - I guess what I'm saying is, I wouldn't expect to be paying daily rates for somebody not doing any work. I believe, and so, so in short, no, but, but I do believe it is possible for somebody to be overseas and do some work for the University and if that time was approved by a manager that wouldn't be out of order.

30 But you would expect if there were that, even if it weren't a permanent outsourcing arrangement but by special arrangement a contractor was doing work while not in the country - - -?---Yeah.

- - - that there would be some - - -?---I would have - - -

40 - - - documented authorisation of that?---I would have expected some sort of discussion at least with, with a supervisor, but I, but I can't be aware that somebody wasn't asked to review a document or, you know, while they were overseas, spend a few hours doing that sort of thing, that type of thing could have been possible but, but highly unlikely I would have thought.

But that kind of exception that you're talking about is, is an episodic one rather than some - - -?---Standard - - -

- - - constant period of work?---Absolutely.

And would in your view understanding the University hierarchies as you do, would Head of Projects in Mr Meeth's position have been in a position to

authorise a contractor to be paid while overseas whether working or not without regard to somebody else up the line management chain?---That's difficult to answer in the sense that I believe Mr Meeth was able to approve timesheets, he couldn't approve, as I understand the process or understood the process, I don't believe he could have authorised payment but he could have approved timesheets which would have resulted in an invoice that would have gone to an accounts payable department for payment.

10 I want to go to the concept of conflicts of interest and indications of conflicts of interest?---Ah hmm.

I think the position is that you have never been aware of Mr Meeth making any formal declaration of conflict of interest in terms of recruitment issues? ---I'm not aware of it, no, or I don't recall one.

20 Right. Imagine this situation. A recruitment of a contractor where there is at least said to be an interview. Mr Meeth constituting a selection panel comprised of himself and somebody more junior that reported to him, say at the relevant time Jovan Apostolovic, would saying I've known this person a long time or this person's a mate of mine, I've known him a long time, to that junior officer without more and continuing to participate and administer the recruitment process that included that person, would that be sufficiently compliant with the notions that you express in your statement?---I wouldn't have thought advising that to a junior person is an appropriate thing, I would have thought it would be more appropriate to either advise HR or a senior manager. I think it's an unfair burden to place on the junior person.

30 Because really the idea of making a disclosure is so that if you're – if the person making the disclosure isn't electively recusing themselves from a process that the disclosure to HR or somebody more senior is in a system sense designed to give an opportunity for that other person to say you shouldn't continue or I don't approve of you continuing with the process knowing that about the relationship. Is that right?---Yeah, yes.

The University does hold a conflict of interest register does it not?---I believe it does.

40 And are you able to in terms of your belief know when that started to operate?---I'm not certain when, when a conflict of interest register began. I believe there was a - - -

Can I just - - ?---Yeah.

- - - guide you. If the external interest policy is dated 2010 does that help you?---To some extent. There is, there is now a formal process of, of declaring that you have no external interests on an annual basis and in a register. The police prior required you I think to advise your supervisor or our Office of General Counsel.

And when you say that's now, can you just help the Commissioner understand when that formal policy of an annual register – obligation to complete a register annually came in?---I'm not certain of the date. It would have been in the last two to three years but I'm not certain of the date.

10 Do you understand the position to be that the University undertook a search of relevant registers and didn't find any declarations made by Jason Meeth, does that fit with your recollection of the matter?---That fits with my understanding.

Thank you. Could the witness please just be shown pages 602 and 607 of volume 18. What I'm going to show you is a contract that related to a contractor by the name of Dhawal, D-h-a-w-a-l, Parekh which you refer to in your statement. If you want to have access to your statement don't hesitate. And this is a contract that is apparently signed on the contractor's behalf on 1 May, 2012 and signed by you as the CIO on 30 May, 2012. Volume 16, 206 and – if you've got your statement there you might even have a hard copy of it while it's coming up on the screen for others. Are
20 you now able to remember the circumstances in which that was a contract that you've signed rather than being signed by say, Mr Meeth?---Not, not necessarily. There's – I can't think of any reason why it would have been this one rather than any other one.

All right. But looking at the first page, the page that's got 206 down the bottom. We were talking about transparency earlier. That table under daily rate that sets out what the specified personnel's pay rate is - - -?---Ah hmm.

30 - - - and the contractor's costs and margin is an example is it not of the kind of transparency of a C100 contract that on the face of it both the, both the contracting parties can see who is being paid what?---That's my understanding of it, yes.

And would I – could I just ask just in terms of the other document that's attached to your statement, you don't need to be taken to it on the screen, the external interest policy of 2010, what is the University's process in terms of reviewing a policy like that to monitor that it is kept up to date and relevant?---I - - -

40 If any?---I'd be guessing. The University does review policies from time to time. There's a policy unit that, that has them on I believe a rotational basis. I suspect that one was reviewed in the, in the light of Citrus but I can't be certain.

And accepting that most big public organisations have a policy section - - - ?---Yeah.

- - - what's the, what's the interaction between that policy section and somebody more senior if you like checking that things actually get monitored?---I'm not sure that I can answer that in – I'm not sure that I understand the question or whether I can answer that.

Well, the question just goes to in a systems sense - - -?---Yeah.

10 - - - who in a line management sense monitors the policy section to check that critical policies like this and the code of conduct are being reviewed and novated from time to time?---In the University's case I'm not sure I know the answer to that.

Who would be able to answer a question like that?---I'm not certain. You know, probably Office of the General Counsel - - -

All right?--- - - - would probably best know.

That's the evidence, Commissioner.

20 THE COMMISSIONER: Mr Griffin, do you have any questions?

MR GRIFFIN: I assumed I'd go last if anyone else wants to ask questions.

THE COMMISSIONER: Does anyone else have any questions of Mr Meikle.

MR DENNIS: Yes.

30 THE COMMISSIONER: Yes, Mr Dennis.

MR DENNIS: Yes. Thank you, Commissioner. Sir, is it the case that as far as you're aware as in –as at 2012 and 2013 there was no restriction on contracted IT workers gaining remote access to the University's IT facilities. Is that right?---I believe that's correct. If you, if you have a University identity key you would have remote access to, to our systems, yes.

40 All right. And would the whole point of the University access key be to facilitate remote access?---It would – I wouldn't say that its primary objective is that. Its primary objective is to provide access to University systems on the whole. There, there's certainly a number of systems available off campus and it would facilitate that but not specifically for that.

All right. Now, do I understand your, your evidence to be that you thought that in terms of authorising work overseas you say that Mr Meeth was authorised to allow that?---I'm saying that if Mr Meeth believed somebody to do work overseas he would have been able to authorise some hours of, of time approval.

All right. But you would however expect that there would be discussion with somebody more senior to Mr Meeth?---I would have expected that, yes.

All right. Well, are you aware of any policy or procedural requirement clearly written in University policy documents that would require him to have such a discussion?---No.

10 All right. I now want to ask you about contractors working from home. Would – during the time of Mr Meeth’s employment would he have been authorised to allow people to work from home?---I don’t see why not.

All right. In the event that they were working from home would there be any requirement or expectation that he have some discussion with somebody more senior?---Only if the amount of time worked from home would have been significant.

20 All right. What about if I could put to you this hypothetical example, working from home for two weeks?---If someone was working from home for two weeks I’d expect, I would have expected somebody else to know about it, yes.

All right. And but again, are you aware of any policy or procedure in writing - - -?---No, no written policy.

All right. Thank you. Now Mr Meeth commenced his, commenced as a contractor with the University in February 2012, correct?---I believe so, yes.

30 All right. Was, was the requirement to use all C100 contractors implemented by the time he started?---I can’t be certain of, of the timing of the implementation but I think we were certainly moving down that path in early 2012.

All right. Do you know which agency he was recruited through as a contractor?---I don’t recall specifically but I think the documentation says it was ecareers.

40 All right. Was ecareer or careers a C100 contractor at the time he was recruited?---I don’t know.

Has ecareer ever been a C100 contractor?---I don’t know.

All right. You said in your evidence that you hoped that Mr Meeth would know about the requirement for C100, I take it never had a direct discussion with him about that?---I can’t recall a specific discussion I would have had with him, no.

You also said that Mr Meeth was not authorised to pay people but he was, he was authorised to approve timesheets, is that right?---Yes.

And you draw a distinction between that I take it that the – in terms of pressing the button and transferring the money across to an account, that was somebody else’s responsibility?---Yes.

And that process is payment authorisation?---Correct.

10 And Mr Meeth didn’t have that authority, correct?---Not to my knowledge, no.

All right. You told us that you would expect – well, do I understand your evidence to be this, that you would expect Mr Meeth to understand all the relevant policies and Code of Conduct because it was part of his contract of employment?---Yes.

20 All right. And you believe that it was quite probably in his letter of employment or offer of employment?---I would have believed so, yeah, I think that’s a standard University practice.

All right. It’s your understanding that he would be required to sign something to say that he was bound by those policies?---My understanding is that usually when you accept your letter of offer you sign such a thing, yes.

30 All right. Would it be fair to say that as at February 2012, other than the requirement to sign and acknowledge there was no formal training offered in terms of the University’s policy requirements, for example a new employee has to attend a seminar or a training course or something of that nature?---I don’t believe there was any formal thing in place at that time, no.

All right. And, and do you know if for a new contractor or employee that – sorry, do you know as at February 2012 whether any time was set aside for a new person to get across those issues?---I can’t recall the specific time, I wouldn’t have directly with, with many of those contractors in that, in that nature.

40 So for example you’re not, you’re not aware of a practice if I could put it that way that perhaps on the first day or in the first week that somebody would be allocated a few hours to sit down and read the policies and so on? ---I’m certainly not able to talk to what specific directors did with their, their contractors starting at that time.

Yes, thank you?---And, and as to Mr Meeth I was away on sick leave in February, March and April of that year so I was not there when he started.

Yes, thank you, Commissioner. That’s the cross-examination.

THE COMMISSIONER: Any other questions of Mr Meikle? No.
Mr Griffin.

MR GRIFFIN: Thank you, Commissioner. Commissioner, in relation to a matter raised by Counsel Assisting at the end can I indicate that policies of the University are monitored by the Office of General Counsel.

THE COMMISSIONER: Yes.

10

MR GRIFFIN: And if there's to be an amendment to a policy that goes to Richard Fisher, the head of the Office of General Counsel for comment and approval.

THE COMMISSIONER: Thank you.

MR GRIFFIN: Commissioner, can I show the witness some organisational charts, copies of which I provided to Counsel Assisting yesterday?

20

THE COMMISSIONER: Yes.

MR GRIFFIN: And can I hand up a copy for yourself.

MR HUNT: My friend seeks to tender them, there's no difficulty, we'll just need to make some copies in due course for the balance of - - -

THE COMMISSIONER: Yes, thank you.

30

MR GRIFFIN: And Commissioner, will you permit me an element of leading because I believe this information will be non-controversial.

THE COMMISSIONER: Yes, certainly, go ahead.

MR GRIFFIN: The first chart, Mr Meikle, is Information and Communications Technology in March 2012, does that indicate the various sub-departments if I can use that term under your control?---Yes, it does.

40

And in respect to the March 2012 diagram there appears to be a total of 361 people employment within your department, you can take my arithmetic on that one?---I'll take your arithmetic on that, yes.

And they're broken down to 292 staff, 23 casuals and 46 contractors?---I'll accept that arithmetic too.

And if you look at the second document it's a similar document for July 2013 and that has a total complement of 358 people?---Yes.

Broken down to staff at 277, casual 47 and contractors 32?---Correct.

Now those diagrams accord with your understanding about how the Information and Communications Technology Department was organised?
---Yes, they do.

And then there's a document behind those two headed March 2012 which on the first page has the people that report to you, is that correct?---Yes, that looks right.

10 And firstly there's an IT business manager Angie Morton?---Ah hmm.

And then there are five directors of various sections?---Correct.

And if you turn to the second page in diagrammatic form that indicates who reports to Angie Morton?---Yes.

And once again there are five separate lines of reporting?---Yes.

20 And if one turns to the third page you'll see there a diagram with those reporting to Andrew Cooper?---Yes.

And you understood that Jason Meeth was one of the people reporting to Andrew Cooper didn't you?---I did, yes.

And he's listed there as IT manager projects?---Yes.

And then on the fourth page you can see a diagram indicating those people that reported to Jason Meeth?---Yes.

30 Now insofar as you understand the structure do those diagrams accurately represent what the situation was in March 2012?---As best I can tell, yes.

And can I just have you look at the final document which is for 4 July, 2013 and without me going through each page will you just look at those pages and indicate to the Commissioner whether that's a similar series of diagrams reflecting the position in July 2013?---Yes, I believe those to be broadly what it looked at that time, yes.

40 Commissioner, I seek to tender those organisational charts.

THE COMMISSIONER: Yes, they can be tendered compendiously as Exhibit E3, sorry, E4, thank you.

#EXHIBIT E4 – UNIVERSITY OF SYDNEY ORGANISATIONAL CHART

MR GRIFFIN: Mr Meeth, can I just very briefly for the Commissioner's benefit ask you some questions about the scope of the work undertaken by your department. There are some 6,000 employees of the University of Sydney?---Ah, yeah, I believe six to 7,000 direct employees, 50,000-odd students and a number of adjunct employees if you like that work in, in various research or health sectors who are not necessarily on the payroll but for whom we provide technology services.

10 Now we're all familiar with the main campus of the University in Camperdown but are there other organisations that are part of the University in different locations?---There, there are several. There's a reasonable large campus around Lidcombe, there's a campus out at Camden where we have agriculture and vet sciences, we have a Conservatorium of Music in the city, we have a College of the Arts at Rozelle and we have technology support in our medical staff in several teaching hospitals.

Do those teaching hospitals include Westmead and Westmead Children's?
---They do.

20 North Shore?---Royal North Shore, yes.

And Nepean Hospital?---And Nepean, yes.

And are there some 300 teaching spaces that you provide technological services for?---Yes. There, there, there are probably more teaching spaces in all on campus but we provide in 300 formal teaching spaces information technology, audio-visual capability, wireless capability for students, yeah.

30 During an average year is part of your work to maintain existing systems within the University?---Sorry?

Is part of your work to maintain - - -?---Existing systems. Maintain existing systems, networks, high-performance computing, wireless for students, new projects, yeah.

And part of that involves integrating both old and new technology together, doesn't it?---It does.

40 And there's also an area of cyber-security that you're responsible for?
---Yes.

Now, in respect of the amount of money involved - - -?---Ah hmm. - - - let's take 2015. How much is spent in this year on payroll, contractors and hardware and software?---On payroll, our payroll overall or just contractors?

Just roll them up together?---Just roll it all together. So our total cost for IT and MR control is just over 100 million. There's about 35, 30 million of that, 30 to 35 million of that on projects.

And that's the situation in 2015. What was the situation in 2012 and 2013?
---It would have been marginally less. The University's been increasing its amount of expenditure on projects in recent years but it would have still been in the order of 90 to 100 million total I would have, from memory.

10 And do you have some knowledge of the work undertaken by Jason Meeth?
---Some knowledge but not – I didn't work with him directly, you know, it would have been one of my directors that would have had most of the direct involvement.

Was he brought in by Andrew Cooper?---I believe so, yes.

Do you know what his primary task was when he came to work for the University?---I think he came in as a project manager and very quickly was heading up IT projects at the University.
20

And did he have a reputation for working in a very professional manner?
---I have no complaints with the work he did, he, he, we were coming off a very low base on project capability and he certainly contributed to significantly improving our capability in the time he was at the University.

And during his time did the project delivery of the University improve?
---I believe so, yes. It's always hard to measure project delivery but I believe so, yes.

30 Is it fair to say that prior to him leaving, no red flags had been raised with you about his performance?---I was not aware of any, no.

And what was your reaction when he resigned?---I was disappointed. I thought he was making a big difference to the way we were running projects.

Can I ask you about Operation Citrus?---Ah hmm.

ICAC reported in October 2012?---Yes.
40

You're aware of the recommendations which were made?---I'm aware of them, I don't know that I could recall all of them on the stand, but I'm certainly aware of them, yeah.

Are you aware that once the implementation program commenced that the University prepared a report after six months, a second report after 12 months and a third report after two years?---Yes.

And is it your understanding that those reports were sent to ICAC?---Yes.

On the issue of corruption prevention, is it the case that since 2013 ICT is now not directly responsible for external recruitment?---Correct. I can't remember the specific date in 2013 but, but we now use our internal HR department as the primary contact for recruiting.

10 How does that work in practice?---Ah, so practice, if, if we need IT contractors or even external recruitment we will go through our HR department and they will contact the agencies.

In your statement at paragraph 48 - - -?---Ah hmm.

- - - you refer to a situation where there might be rare instances where a project requires a specific skill that may not be available through what was then C100?---Correct.

20 What do you do in those circumstances?---If there's, if there was somebody you knew who had the skill and you weren't able to get it from the C100 there were really only two options, the primary one would have been to ask the person to seek to be employed through a C100 company, otherwise we would have had to seek exemption from the C100. I don't believe we ever did that or needed to do that.

As a result of Mr McNulty - - -?---Ah hmm.

30 - - - raising issues about Jason Meeth, is it your understanding that Charles Corban, C-o-r-b-a-n, the manager of Investigations, was tasked to prepare a report in respect of issues raised by Mr McNulty?---I recall such a report, yes.

And did you see that report?---I believe so, yes.

If I can show the witness, Commissioner, a copy of that report for the purpose of identification. It has been provided to ICAC on 21 October, 2014.

40 THE COMMISSIONER: Yes, thank you. Yes, sorry, is the, is this, there's an executive summary, is there?

MR GRIFFIN: Yes. There's the report at the front and then there are two annexures 1 and 2.

THE COMMISSIONER: Oh, right. So the report is the first document which is 16 pages in length?

MR GRIFFIN: That's correct.

THE COMMISSIONER: Right. Thank you. Yes, thank you. Sorry.

MR GRIFFIN: Can the witness just be shown that report just so he can - - -

THE COMMISSIONER: Yes.

MR GRIFFIN: Is that the report that you've been referring to, Mr Meikle?
---I believe that to be so, yes.

10 Commissioner, I seek to tender that report. I think Counsel Assisting may
have a different view.

THE COMMISSIONER: Well, I suppose it depends. I don't know, I
haven't seen – I haven't read in any detail, Mr Griffin. Can you perhaps
have a discussion with Counsel Assisting about, about that and - - -

MR GRIFFIN: Certainly can.

20 THE COMMISSIONER: - - - we can return to it?

MR GRIFFIN: It will only go to questions of submissions at the end in
relation to various issues. It's certainly not pressing at the moment.

THE COMMISSIONER: All right. Thank you.

MR GRIFFIN: And if the tender is pressed I would indicate that I'll seek
non-publication order of the document.

30 THE COMMISSIONER: All right. Thank you.

Any other questions?

MR GRIFFIN: Just one other matter, Commissioner, and I can deal with
that without a question for the witness.

40 There was questions asked by Counsel Assisting about the External Interests
Policy of 2010. That appears as annexure 2 to Mr Meikle's statement in
volume 18, page 211 I believe. Importantly that commenced, according to
the document, on 1 January, 2011, to answer a query which was asked.

THE COMMISSIONER: Thank you.

MR GRIFFIN: They are my questions for the witness.

THE COMMISSIONER: Thank you.

Mr Meikle, can I just ask you, given the lines, the direct reports and the
number of staff who were under your immediate supervision, how much,

how much direct contact did you have with Mr Meeth or was, or was your knowledge of him derived primarily through your first report, Mr Cooper? ---The majority would have been through Mr Cooper. I would certainly have had from time to time direct discussions with Mr Meeth but, but not on a daily basis.

Are there any questions arising from Mr Griffin's questions?

10 MR HUNT: Just a couple in relation to Mr Dennis's questions.

THE COMMISSIONER: Oh, yes.

MR HUNT: Mr Meikle, you were asked a question about your view about Mr Meeth's entitlement to authorise a contractor working from home for say two weeks, and in sum you seemed to say that you would have expected that that would have gone elsewhere for either approval or notification. Is that right?---I would have thought so but, but again I don't believe there was anything written down or, or formal.

20 If same hypothesis put to you but in relation to a contractor being overseas, I assume that would more likely attract an obligation to discuss it with Meeth's - - -?---More likely - - -

- - - supervisor?---More likely, particularly if, if that period was, was critical to a project, but, but I have no way of knowing whether that's, you know, would have been a gap in a project or, or not.

30 All right. You were asked questions about Mr Meeth's original contracting to the University through a recruitment agency called ecareer?---ecareer I think, yeah.

Assume for a moment that ecareer wasn't a C100 company that Mr Meeth was recruited through that company and stayed on contract in that regard until he had his permanent job as head of contracts?---Ah hmm.

40 He would have been in that position of a contractor working for the University recruited by a non-C100 recruiter but in a sunset period of you like until if he'd been required to be re-contracted he would have had to come up through a C100 company. Correct?---That, that would almost certainly have been the case by the time we would have got to 2013, yes.

Yes, they were just the two matters, Commissioner.

THE COMMISSIONER: Thank you. Thank you, Mr Meikle. You may step down. You're excused?---Thank you.

THE WITNESS EXCUSED

[3.11pm]

MR HUNT: I call Mr Neill Li, and that's – Mr Li is Mr Chalmers' client.

THE COMMISSIONER: Thank you. Do you want to move up, Mr Chalmers.

MR CHALMERS: Yes. Thank you, Commissioner.

10 THE COMMISSIONER: Just come forward, Mr Li. Mr Chalmers, have you explained to Mr Li the effect of a section 38 order?

MR CHALMERS: I have, Commissioner, and he will take the objection and he'll be taking an oath.

THE COMMISSIONER: Thank you. Mr Li, can I just make sure that you appreciate that the section 38 order does not protect you from the use of your answers against you if it should be found that you have lied or misled the Commission. You understand that?

20

MR LI: Yes. Can – yes. Sorry.

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.

30

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
40 **OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Can we have the witness sworn please.

THE COMMISSIONER: Yes.

MR HUNT: Thank you, Commissioner. May I just have one moment.

THE COMMISSIONER: Yes.

10 MR HUNT: Is your name Neill Li?---Yes.

And is your first name spelt N-e-i-l-l?---Yes.

And your last name is spelt L-i?---Yes.

Mr Li, did you participate in a record of interview between Mr Fox, chief investigator, Mr Berry, investigator, and yourself on 8 July, 2015?---I couldn't remember the exact date but I did have an interview with Simon and Tim Fox, Simon Berry and Tim Fox, yeah.

20

When you were giving answers in that record of interview were you doing your best to be truthful and accurate based on your memory at that time? ---Yes, based on my memory.

Thank you. Now, I just want to ask you could you briefly explain your role at the University at the time that you worked reporting to Jason Meeth?

---Okay. So I was primarily a business analyst so that's what's been assigned to me as the role. I have been working on a number of projects, however at some point during my employment under Jason there was a need to fill in project co-ordination duties because there were some - sorry.

30

THE COMMISSIONER: Sorry, just sit back. You don't need to speak directly into it. It's quite a sensitive microphone?---No worries.

Thank you?---All right. So there was a need for someone to fill in some project co-ordination responsibilities at the time and Jason asked me to do so but I was still primarily a business analyst under him.

40

MR HUNT: All right. Would you describe to the Commissioner what involvement you had in recruiting tasks working for Mr Meeth?---Okay. Jason would time to time at that point in time so it's for a very brief period around June to let's say September/October invite me to a number of interviews where I would sit in and I would basically ask questions from a business analyst perspective and then - - -

I'm going to ask you just to move one more step away from the mike if you would?---Sorry. Sorry.

All right. Keep going?---So ask questions from a BA perspective which is business analyst perspective and then afterwards – after the interview he would ask me for my opinion on, on the interview and then he'd also give his reasons why this candidate is suited for the position or not suited for the position and then afterwards he'd ask me to type up a recruitment confirmation form based on the I guess information that he provided me.

10 And did you find in terms of the recruitment process that your input had any effect on the way in which the candidates were ordered in terms of preference for selection?---Not really. At the end of the day it was Jason's call on which candidates would be selected.

And did he on occasion make calls that were inconsistent with your view about the quality of the candidates?---I would definitely have my own view but I would always go with Jason's view on whatever candidates are a lot more suited for that particular position. So, yeah, there would be times when Jason's view differed from my view but I would always go with Jason's view.

20 And are you saying that because you were – he was your superior within the organisation?---Correct. He was my manager at that point in time.

And did, did he have the say as to whether your, your own contract would be renewed?---I don't think it has anything to do with the contract. No, we didn't discuss contracted related – my contract, right. We didn't discuss my contract in regards to these interviews.

All right?---Yeah.

30 Did – can you give the Commissioner an example of a recruitment where you may have differed with Mr Meeth if you had been the only person picking the candidate?---So this is just one of the examples that I picked up. One lady that I can remember in particular was Alex Voronova. So at that point in time I wasn't quite sure whether we were hiring a BA or a PM but I think she was hired as a PM. I'm not too sure about that one. But it's just her demeanour during the meeting. I think she was a bit lively in terms of answering the questions. I'm kind of used to project managers were a bit more calm and I guess in terms of their responses you can tell someone who is very experienced versus someone who is relatively experienced. So I
40 had, I had – I of course had my own preference of a candidate and I just told Jason what I thought of the candidate but we didn't exactly say – he didn't exactly tell me he's going to hire this person or that person. He just said this candidate is better because of this. So I can remember one example. He did bring up a great point when I remember – I don't exactly remember how the candidate looked like or what his name was but he did use the word "we" a lot, so we did this, we did that, and then Jason towards the end of the interview told me that this candidate used the pronoun we a lot. Maybe a

sign of being a good candidate is using “I” instead of “we”. So that’s one of the things that I picked up from him as a result of that interview.

So as I understand it, Mr Meeth thought that using the plural - - -?---Yeah.

- - - indicated a lack of ownership?---Probably. I couldn’t remember at that point in time.

10 I suppose another way of looking at it is using the word “we” might indicate a degree of collaboration for instance?---Correct.

All right. Was that example one where he brought something to the deliberation process that you wouldn’t have?---No. I wouldn’t have picked that up. I mean - - -

You wouldn’t have picked, you wouldn’t have picked up the use of that language as a disqualifying feature?---Yeah. I think so.

20 Do you remember occasions on which you were asked to populate templates with feedback from recruitment interviews?---Yes. So - - -

How would that happen?---So I actually don’t remember exactly what happened because it’s been three years ago. But I’ve seen some of the – do you call it exhibits, like the emails that were sent to me by Simon. So he’d sent me a blank, well blank template or sent me filled template and then I would fill in the information based on what Jason gave me. So sometimes it will come from his notebook or sometimes he’ll point me in the right direction where to get the particular information.

30 Were there ever occasions where there were, as it were, deficiencies in terms of material to be filled in to fields?---Yeah. Well I couldn’t remember exactly back then but I did see an email when I was looking for information. So an email that was provided by ICAC. I was looking for information on some candidates which I couldn’t find from his notebook.

So that there was an absence of feedback on particular candidates is that what you’re saying?---Correct. Based on that email that I saw.

40 Yeah.

THE COMMISSIONER: Mr Li, can I just ask you. On these occasions that you were asked to fill out these feedback forms it was on the basis of notes that Mr Meeth provided to you which came from, I’m assuming, the interviews that he conducted. Was that, was that what you were being asked to do?---Correct.

Right. So you weren’t making it up you were only relying on what Mr Meeth provided to you?---Correct.

Right.

MR HUNT: And sometimes were there were examples where you were inputting information that some came from him, if there was some and some of the feedback came from Jovan Apostolovic?---Correct. Because I think some of the our recruitment confirmation form had his name on, on it as the interviewer, yeah.

10 So could I ask that the witness be shown page 211, volume 2. Can I just have a moment, Commissioner?

THE COMMISSIONER: Ah hmm.

MR HUNT: Just have a look at that as an example. Is that an example of one of the templates? I'm not saying this is one that you did fill out but is that an example of material being input?---Correct.

20 Can you say whether that's one - you weren't on that interview committee but is that one that you filled out?---Not sure. I'm not sure if I filled this document out.

And just ask in terms of the material that's listed in the comment section for individual candidates, are they composites of material that you got from Mr Meeth and from Mr Apostolovic?---Not even, I couldn't recall filling this document out.

30 No, I'm not saying in this one but in examples where you did fill it out, would if it had been material from Mr Apostolovic and Mr Meeth would the comment section include comments from both of them?---Yes. It's possible, yes.

All right. It might be more helpful if the witness is shown page 82 of volume 13. Just have a look at this email and what I suggest is this is an email that Mr Meeth sent you on 22 June?---Yeah.

Including a blank recruit confirmation form or a largely unpopulated recruitment confirmation form. Do you see that there?---Yes.

40 And do you see the form that follows?---Yes.

And, Commissioner, if I can indicate that this follows already seen through Mr Apostolovic a request by Mr Meeth for - - -

THE COMMISSIONER: To provide the template?

MR HUNT: To provide the template.

THE COMMISSIONER: Yes.

MR HUNT: And do you see that the form there has the name of one candidate at the top and on the second page preferred candidate before any other material has been populated?---It appears so.

Do you remember receiving that one?---It's been a while. I may have received it but not - it's not definite that I can remember exactly the same form being, possibly, yeah, possibly sent to me.

10

All right. Well could you now look at page 85 and following and there's an email saying "Please find attached file". This is an email back from you to Meeth. Now do you see it? And if you look at the attached file there now seem to be other candidates listed in the list of resumes received, comments against Mr Shaker's name and then insertion of Peter Vernon, Dharam Singh, Gareth Read and comments alongside them. Do you see that?--- Yeah. It's been filled out.

20

In context you must have filled out the extra material beyond what was in the bare template that Meeth forwarded to you, do you agree?---Correct. Possibly, quite possibly, yeah. Yes.

Well it follows doesn't it?---Yeah.

So I know it's a while ago but can you now remember, well I would have thought that - I suggest it must've been unusual for you to receive a template that already had the preferred candidate in with no other information?---To have a template that has the candidates, one candidate - - -

30

That has one candidate and, and that candidate listed as the preferred candidate in circumstances where the form hasn't been populated by the other candidates or any comments about any of them. That must have been pretty unusual?---Yes. But I'm also thinking of it, it's, it's possible that Jovan and Jason has had, done, has done this interview and - - -

40

I don't want you to go to that, I'm just - in terms of you assisting Mr Meeth was it an unusual event that you would be presented with a form nominating one person as the preferred candidate with effectively no other information?---Very unusual.

All right. And can you, in that unusual circumstance remember where you would have got the material to put in this form particularly in terms of the other candidates?---It can be a combination of a number of sources. It can be from Jason's notebook, Jason walking over to me and telling me where to find the information, it could be an email, it could be a CV that was forwarded by Jovan. Most likely it will come from Jason's notebook

because I do remember him jotting down some stuff on his notebook. But it can come from any source as directed to me by Jason.

Thank you. Are you able to explain to the Commissioner, and I'm not being critical of you, I'm just trying to understand Mr Meeth's processes why you would be filling out a form like that one if you were not the second member of the panel?---It could be availability of resource. Like Jovan might not be available or Jason was quite busy so he might have asked me to fill it out on his behalf.

10

Right. Did you commence to do more of this work at a time when you understood that Jovan's contract had not been renewed?---I believe so. I think when Jovan left I started to do a lot more of these kinds of work.

In terms of the material that is in that form, that is the material in the comments for each of the candidates including the successful candidate, is that cut and pasted from some other document within SharePoint or somewhere else within the University system?---I, I couldn't exactly tell, it's possible to be cut and paste, it's possible that it was typed from a physical notebook.

20

You remember that you spoke earlier about a candidate called Alex, that's Alex Voronova?---Correct.

Do you remember it coming up that she had worked at a place called Aristocrat?---Yes.

Did it seem to you in the context of that interview that Mr Meeth – I withdraw that. Did you know that Jason Meeth had worked at Aristocrat?---No.

30

Did he tell you that he'd worked at Aristocrat?---As far as I remember no, he, he hasn't told me anything about Aristocrat.

Is that something that came up in the context of Ms Voronova's interview process, that she had worked there?---Yes, I believe that's the first time as far as I remember I've heard of the word Aristocrat.

And was there anything either in the way that she answered questions or that Mr Meeth communicated with her that gave you to understand that they might have known each other directly or indirectly from Aristocrat?---I'm not sure exactly what she said during that interview, I mean, about the relationship with Jason so I couldn't confirm that.

40

Could I just have a moment, Commissioner?

Do I understand from what you've said about the interview process and your attitude that – and when you said that you would prefer Mr Meeth's

view to your view about candidates that largely you operated on direction from Jason Meeth - - -?---Yeah.

- - - whenever you were working in this recruitment area, is that the position?---It's more a – I mean, Jason was a lot more experienced than me so he's dealt with this matter a lot more. I can give him my inputs if he requests for it but ultimately I have to go with his decision on this matter.

10 All right. So you didn't see that you had – he had the casting vote as it were in terms of recruitment decisions, is that right?---Sorry, can you please what you mean by casting vote, like it's a voting system or - - -

Well, well, you've – there's two people on the committee?---Yeah.

You have said that you would sometimes prefer a different candidate to him?---Yeah.

20 You would let him know that but ultimately it was his call, correct?---I will let him know if he asks me about it so if he doesn't ask me what's my preferred candidate I'll just keep quiet and ultimately he'll make the decision on it so, so yeah um - - -

So what was your, what was your function as sitting on the interview panel if you weren't going to volunteer a view?---Well, it's not about volunteering a view, it's more about if he asks me for those, for my views but I think he just invited me to the meeting to ask questions from a business analyst perspective if I get the opportunity so - - -

30 Did he ever ask what you'd consider technical questions?---What, what do you mean by technical questions?

Well, questions about being a business analyst or being a project manager? ---No. I only usually ask one question to the candidates and that's if you're, if you for example are in a situation where you have limited resources what would you do, that's normally the question that I ask, one, one or two questions at the most during the interview so I'd probably say 90 per cent of the interview was, interview questions was given by Jason and then I've asked a few at the end once he finishes his questions.

40 All right. So is the reality that although it might look like a two-person selection process that in terms of the way it was run by Mr Meeth when you were participating that it was really a one person selection process?---Are you asking for - - -

In, in, in reality?---In my opinion?

Yes?---It, he, he hasn't exactly defined what my role was in the meeting although he did say that I'm just there to ask from a business analyst's

perspective but yeah, it does feel that he's making the decision for, for which candidates to hire for the particular position.

10 And did you ever get the impression that he'd already made up his mind before the interview process that he had somebody in mind for the job and was going through the motions?---I wouldn't exactly say that because he still asked the, the same questions to the same interviews, to the, to the same candidates so I mean there, there wasn't a case when he told me that this candidate should be the one that, that should be selected so we still went through the whole interview process.

20 All right. Was there ever an example when you were participating to the degree you did in these selection panels where you voiced a different view and Jason changed his mind about who to pick based on your input?---Well, that did happen I guess, I mean, he'd, he'd ask me towards the end whether this candidate was suitable or not and, and I'd say yes and then of course that candidate wasn't hard so maybe that's an example of I've voiced my view that I preferred this candidate but ultimately this other candidate got the position.

All right. So he'd ask if X was suitable, you'd say yes and then he'd appoint Y?---Yes.

Thank you. That's the evidence, thanks, Commissioner.

THE COMMISSIONER: Does anyone have any questions of Mr Li?

MR DENNIS: Yes, Commissioner.

30 THE COMMISSIONER: Yes, Mr Dennis.

MR DENNIS: Thank you.

Sir, you attended the University of Sydney didn't you?---I graduated, yes.

Yes. And what did you graduate in?---In 2010 I graduated from Master of Information Technology, in 2011 I graduated from Master of Information Technology Management.

40 And at some point did you win the University Medal at the University of Sydney?---Ah, yes, the Union Blue Award from the Vice-Chancellor back then I think Michael Spence. I'm not sure if that's the University Medal though, that's a different thing I think.

But it's a, it's a, it's an award indicating excellence, is that right?---The Union Blue, I think it's for service to the student community or something like that, I couldn't remember it exactly.

All right. Have, have you won any other awards?---From the University of -
- -

Yes?---Quite a few because within the school of IT they'd give out certificates to students who finish at the top of their class or – I also won (not transcribable) scholarship for the Master of Information Technology.

All right. So you've, you've won a number of awards for academic excellence, would that be right?---Correct.

10

All right. And you commenced working as a business analyst, correct? ---That's a little bit vague because when I was hired by the University of Sydney ICT department I was through an agency called Sydney Talent, they're not really an external agency but I don't know what the relationship is with the University but my understanding is they're internal so my role was something like an analyst for the eResearch team so my title could have been eResearch analyst.

All right. Did Mr Meeth tell you that he was impressed with your work for Sydney University?---He did tell me on a number of occasions, he did say that I'm one of the best BA's that he has ever worked with.

20

All right. Without wanted to embarrass you do you think you earned that description?---One manager of course it's a compliment so I do ask for feedback from other managers as well so my boss, Heath Cooper, who eventually took over me, took over my I guess line of reporting, he did give me an outstanding rating for, for my performance review so I couldn't tell you, it has to be told to me by other people.

All right. Okay. Now in these interviews you were, you were free to ask any questions you wanted to ask, is that right?---Correct.

30

And you say there was a particular question you always asked and that was about a question to do with the lack of resources and how the candidate might cope with that?---Most of the time you had the asset question if I'm given the opportunity.

All right. And you asked other questions did you?---Probably yes but I couldn't remember them.

40

All right. And you were never told, look, just keep quiet during this interview or don't butt in or anything, Jason – Mr Meeth never told you that did he?---No, he never did.

All right. And indeed were you ever – when he asked you to participate in interviews, when he first asked you did he indicate to you that he valued your input and was looking forward to your input?---That I couldn't remember that he said exactly but - - -

All right?--- - - - maybe possible.

All right. Is that the impression that you had, that he was looking for your input?---He did say that he wants to get my input from a business analyst perspective.

10 All right. Now, you said that there were times when you were favouring one particular candidate and Mr Meeth would prefer another candidate and I understand your evidence to be that you would always go with what Mr Meeth said?---At the end of the day, yes, I'd go with Jason's preference.

All right. And did you do that because you thought Mr Meeth had more experience than you?---Well, he was my manager and he – so when you, when you say – just to clarify. When you said go with the preference of Jason - - -

20 Yes?--- - - - it was just during that interview so Jason would tell me this candidate is better because of this. I would say yes but ultimately the hiring decision would be Jason. So there would be other processes I assumed that would come after that interview. It's not just after the interview the person was immediately selected so – but, yeah, just within that interview I would go with Jason's thoughts about the candidate.

All right. So would you discuss each candidate after they'd left the room and before the next candidate came in?---I couldn't remember but we'd definitely touch on some of the candidates after the interview.

30 All right. So at the end of all of the interviews you would sit and have a discussion with him about the range of candidates. Is that right?---Quite possibly, yes.

How many – do you recall how many interviews you sat in on?---Couldn't remember the exact number. With Jason probably at least two or three – three, four I think.

All right. You sat on interviews with other people did you?---Yes.

40 Who was that?---One interview had Madeleine McCabe on it. So she used to be the relationship manager for Medicine.

All right. And was anybody else there when you sat with that person? ---Jason.

All right?---And the candidate I think.

All right. So would it be fair to say that you were free to disagree in terms of who the preferred candidate was?---It's not really about agreeing or

disagreeing. It's just about giving my inputs on what I thought about the candidate because he'd just basically ask me what do you think about the candidate or something like that. It was very generic I think.

All right. So you were free to express whatever opinion you wanted?---I think so.

10 THE COMMISSIONER: And at the end of the day as I understand it, Mr Li, whatever opinion you expressed ultimately Mr Meeth decided who the preferred candidate was?---Correct.

Right.

MR DENNIS: All right. When you expressed your opinions did Mr Meeth discuss them with you or appear to consider them?---Sorry, can you please repeat the question.

20 All right. When, when you're discussing who the preferred candidate is - - - ?---Yeah.

- - - and you might say look, candidate X I think is, is really good because of a particular set of reasons would Mr Meeth then discuss those – your reasons or - - -?---I couldn't remember but it may have happened, yeah.

All right. Now, one example you gave was Alex Voronova and you – she – that's, that's an example of where Mr Meeth preferred that candidate. Correct?---Um - - -

30 And you didn't particularly think she was the best?---I couldn't possibly remember that bit wherein Alex was Jason's preference but Alex was definitely hired after the interview. If I remember correctly one of the recruitment confirmation form that was shown to me it was Tony Azrak was the successful candidate but Alex also got hired so I don't know how that happened though.

All right. So in fact you think that Tony Azrak might have been preferred over Alex Voronova?---Well, that's what's written on the recruitment confirmation form so I'd probably say that was the decision of Jason.

40 All right. And you didn't like Alex Voronova because she seemed a bit lively?---No, it's not, it's not about that. It's more about relative comparisons. So comparing her with other candidates that I've interviewed I've seen one candidate was relatively calm and very experienced I would have chosen – I mean I would have preferred him. Not, not the word chosen but I would have preferred him to be the successful project manager.

All right. In what way did Alex Voronova being a little lively impact upon your opinion of her?---It's more of I think she did – she answered the questions but she was like answering the questions in a very long manner.

All right?---Yeah.

All right?---But I couldn't remember exactly because it's been like three years but that was like the impression that I got.

10 All right. Now, if I could take you now to these feedback forms that you say you filled out, would Mr Meeth provide you with a copy of his notes?
---Yes, I think he would.

All right. Did you take notes in these interviews?---Quite possibly, yes.

All right. And you – in filling out these forms you were free to rely upon your own notes as well. Is that right?---That one I'm not too sure about because my first priority would be to copy what Jason has put in. I don't think I would look back on my notes because I always go with what Jason puts in on his notebook.
20

All right. Did, did Jason ever say to you look, just copy my notes and that's what I want?---I, I - - -

Or - - -?---What do you mean by that's what I want?

Well, all right. You just told us you'd usually just go with Jason's notes or copy Jason's notes. Correct?---Yes. Because there are some candidates over there that I never interviewed, like I never sat in their interview so the only place that I could possibly get information about them is through Jason.
30

All right. If, if we could talk just about the interviews where you did sit in?
---Yeah.

Were there any interviews where you, you sat – both sat in on the interview and also filled out the feedback form?---I think there are, yes.

All right. If you were in any such interview were you free to rely upon your own notes if you chose to do so?---That one I couldn't remember. I don't even know if what I wrote in my notebook – it could be possibly just two or three lines based on the answers that were given by the candidate on my question about resourcing.
40

All right. Were you – of those interviews that you sat in and wrote up the notes, were you free to rely upon your own impressions of the candidate?---My impression doesn't really matter because I could have an impression of this candidate but at the end of the day what's written on the document would be what I'd been told to write so - - -

All right. You were, you were never, you were never particularly told look, copy these notes?---I had to get my inputs from somewhere so - - -

All right?--- - - - I couldn't remember exactly what the instructions were but that was like the spirit of it like, just to get the information from Jason. He would provide me with the notes.

10 All right. So you – would it be fair to say that with – well, firstly, there's some interviews where you're not there and that's the only source of information. Correct?--- Well, most likely. Yeah, most likely (not transcribable)

All right. When – of the interviews where you weren't there did you have notes from other people apart from Jason?---Sorry, like filling out those recruitment confirmation - - -

20 Yeah, yeah?---I think most of the information would either come from, yeah, Jason or - - -

Or possibly Jovan?---Possibly Jovan at the instructions of Jason.

All right. So again –all right. So they're the interviews where you've got no other source of information. Going back to the ones where you did sit in would it be fair to say that you made your own decision to go with just whatever was in Jason's notes?

30 THE COMMISSIONER: Well, Mr Dennis, I'm sorry. Look, this is about the fifth time this question has been asked.

MR DENNIS: Yes. I'll move on, Your Honour.

THE COMMISSIONER: I thought the witness made it pretty clear.

MR DENNIS: Yes. Thank you, Your Honour – Commissioner, I'm sorry.

40 The conduct of the interviews that you sat in it seemed that Mr Meeth asked all the same questions pretty much to all of the candidates, is that right?---A lot of it, yes. But I guess depending on the responses of the candidates he would have something specific to ask them as well.

And did, did he ask them about past projects they'd worked on?---Past projects. I couldn't tell, maybe that's possible. Yeah, it's possible. Because candidates would put it on their CV and they would talk about experiences in the past or something.

All right. And given your knowledge of information technology would those past experiences imply particular skill sets or capabilities in the

candidate?---You need to know IT to be able to discuss IT projects, I guess.
Is that your question, sorry? Or would you like to repeats - - -

Well one of the functions of an interview is to work out whether the
person's up to the job, agree?---Yeah.

And in order to be up to the particular job they've got to have particular
skills, correct?---Yeah.

10 All right. And one of the ways you work out whether the person's got the
particular skills is looking at the CV, correct?---Yes.

Looking at past projects they've worked on?---Yeah.

And work out whether they've got the technical ability to do the job or not?--
--Yeah.

20 All right. Did you always have the impression that the – of the interviews
you sat in that the selected candidate or successful candidate had the
appropriate skill set or at least a sufficient skill set to do the job?---Well, the
thing is what do you mean by job though? Because project management or
- - -

Well whatever position or contract they were applying for, whatever role
they were applying for?---Because my impression of the candidates is
they're all applying for project management positions so project
management is quite broad. You've got to be – like some project managers
are specialised in infrastructure, some are specialised software, but I think
my impression of that meeting is just interviewing for a project manager.
30 So they would have at least some level of experience and skill to be able to,
I guess, get into the position.

Yes, thank you, Commissioner.

THE COMMISSIONER: Does anyone else have any questions of Mr Li?
No. Anything Mr Chalmers?

MR CHALMERS: No, Commissioner, nothing.

40 THE COMMISSIONER: Anything arising, Mr Hunt?

MR HUNT: Just one issue, please. Could the witness please be shown
volume 2, 265. Or perhaps to put into context, 263, please, Mr Berry. And
you were asked some questions by Mr Dennis about the issue of you filling
out forms in circumstances where you hadn't been on interview panels?
---Yeah.

And just to put this into context, do you see that, the very bottom of this page is an email that I've already taken you to which is your one of 22 June, where you've sent back a Pranav Shanker form that had been populated with comments. Do you remember that one?---Yeah.

Okay. Do you see up above there's then, you're sending some attached files in relation to Anu Batra and Pranav Shanker's recruitment form and you're wanting input as to Anu's actual pay rate. Do you see that there?---Yes.

10 And then above do you see Mr Meeth, he's emailing you the Tuesday of 3 July at 2.35pm saying "Could you please complete a recruitment confirmation for Tarunesh". You see that there?---Yeah.

And then above you're asking for "May I follow up on the other candidates that were considered alongside Tarunesh"?---Yes.

Do you see that at the very top?---Yes.

20 So that would seem to be a little bit of light for the situation with Mr Shanker where there's been a form forwarded to you saying "Mr Shanker's got the job, and there's not a lot of other material about the other recruit candidates". Do you accept that that would seem to be the position here? You're wanting - Mr Meeth's communicated to you on 3 July that he wants a confirmation for Tarunesh and you are inquiring about who are the other candidates so I can fill in some information?---Yes.

30 Could we now go to page 265 and I'd suggest to you here is an email back to you after that email chain from you to Mr Meeth on 4 July, saying "Please find the attached form. I may need your inputs on Tarunesh's rate as well as your feedback on Madhan Kumar. I flipped through your notebook and I found a blank page with his name on it. I will continue looking for his feedback in your notebook". Do you see that there?---Yes.

Does that evoke an actual memory of this particular circumstance where you're trying to populate the form and you can't find any feedback for one of the candidates?---If I couldn't find it I would definitely ask Jason about it because I've never met these guys or remember them so - - -

40 All right. So look at the recruitment confirmation if you would - - -?
---Yeah.

- - - and on the first page do you see that there's an X next to Tarunesh Sahu in terms of daily rate?---Yeah.

And then if you look over the page do you accept that Tarunesh Sahu seems to be the preferred candidate notwithstanding at this time there being no indication of what his daily rate is?---Sorry, can I scroll down a little bit, scroll, sorry just - - -

See there if it's - - -?---Oh, yep, I see it's - - -

The next page I'm sorry?---Yep, the next page.

You see there the first page there's an X on rate?---Yeah.

10 And then the next page you can see Tarunesh Sahu is the preferred candidate and then can you see that there's no input against Madhan Kumar's name?---Yes.

Does that all ring a bell, do you know whether you ever found any feedback or did Mr Meeth dictate you some feedback to put in there or what happened?---I, I couldn't, I couldn't remember, I mean, I'd have to double check any extra information about this but, but yeah, it's looking like there's no information for Madhan Kumar and that means no information was provided to me when I gave this to Jason.

20 Thank you. That's the further - - -

THE COMMISSIONER: All right. Thank you, Mr Li. You may step down, you're excused.

THE WITNESS EXCUSED

[3.57pm]

THE COMMISSIONER: Yes.

30 MR HUNT: I hope, Commissioner, you'll forgive us for finishing five minutes early but we'll - - -

THE COMMISSIONER: No, that's all right.

MR HUNT: - - - make up the time tomorrow.

40 THE COMMISSIONER: That's all right. Could I, could I just indicate that tomorrow being 11 November I would plan to take a morning tea adjournment just prior to 11.00am so that the usual silence can be observed rather than interrupt the process at the hearing so I'll adjourn to 10 o'clock, thank you.

AT 3.58PM THE MATTER WAS ADJOURNED ACCORDINGLY

[3.58PM]