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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION ELGAR

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 11 NOVEMBER, 2015

AT 10.07AM

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

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Commissioner, the first witness today is Dhawal Parekh.

THE COMMISSIONER: Yes. Where is Mr Parekh? Yes, just come forward, Mr Parekh, if you'd just like to take a seat.

MR PAREKH: Sure.

10 THE COMMISSIONER: You don't have anyone appearing for you today?

MR PAREKH: No thanks.

THE COMMISSIONER: Right. Mr Parekh, I need to explain something to you about the procedure that we follow and you must listen quite carefully because it's important that you appreciate the, what I have to say shortly. You, you must answer the questions asked of you truthfully - - -

MR PAREKH: Sure.

20

THE COMMISSIONER: - - - and you must answer those questions truthfully even if to answer them would implicate you in some form of wrongdoing. You don't have the option of refusing to answer on that basis. I can make an order, however, under section 38 of the Act which effectively protects you from the use of your answers against you in civil or criminal proceedings but there is a, but there is a very important qualification to that order.

MR PAREKH: Sure.

30

THE COMMISSIONER: The order doesn't protect you from the use of your answers against yourself if it should be found that you've lied or misled the Commission because in those circumstances the answers would be used against you or could be used against you for the purposes of a prosecution under the Act which carries a penalty of imprisonment. Do you understand that?

MR PAREKH: Yeah, yes.

40 THE COMMISSIONER: Right. Do you wish to be, do you wish to receive the benefit of the order?

MR PAREKH: Sure.

THE COMMISSIONER: Yes. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as

having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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

THE COMMISSIONER: Would you like to be sworn or affirmed, Mr Parekh?

20 MR PAREKH: Affirmed.

THE COMMISSIONER: Right. Can we have the witness affirmed please.

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Is your first name Dhawal?---That's right.

That's spelt D-h-a-w-a-l?---That's right.

10 Your middle name is Matlal that right?---Himmatlal, H-i-m-m-a-t - - -

H, H-i-m-m-a-t?--- - - - l-a-l.

L-a-l?---Yes.

Thank you. And your family name is Parekh, P-a-r-e-k-h?---That's correct.

20 Before you received a contract to work on contract for the University of Sydney you had done no contracting work. That's correct isn't it?---That's right. I was always on a permanent role.

You'd been permanently employed and at the time that you sought a contract you'd never done weekly or monthly contracting before?---That's right. I did a small project with AMP but that was arranged by my university graduates department.

30 All right. And I think at the time that you first thought about doing some contracting you were thinking about having a start-up company of your own. Correct?---Yes. I was working on a start-up idea.

And that meant that you were perhaps a bit more flexible and negotiable about the terms of your contract than people perhaps who were regularly in the contract area. Is that right?---Yeah. So this was a stopgap arrangement until I find something permanent because I, I could not work further on my start-up so this was – contracting was a stopgap arrangement and yes, I mean I was flexible on the rates.

40 And you were still undertaking studies at the time that you commenced were you?---No.

When you commenced your contract?---No. So I finished my studies in March, 2011.

All right?---And my contract started with the University of Sydney in May, 2012.

All right. How did you first have any contact with somebody called Balu Moothedath?---I don't remember the exact place and time but I think I met

at one of those networking events, meetups especially for the technology area.

So are you saying that your best recollection is that you met him face to face at some sort of event?---I think so.

Was he recommended to you or you just met him?---I think it was a co-incidence and we just met at the event and introduced each other and then I think - - -

10

And did you have a discussion about, did you have a discussion about his company at that time?---No.

How did you first come to have conversations with – I'll call Mr Moothedath Balu?---Yeah.

20

How did you first come to have conversations with Balu about the possibility of getting some contracting work?---So he asked me about my background and my experience and then I said I was working on this but I'm – I might look for the permanent role and then I think he said are you okay to get into contracting until you find something permanent.

So effectively he proposed the idea to you?---Yes.

When he proposed the idea to you did he explain anything about his experience or how he would seek to help you to get a contract?---Not really. I mean he said I am working in the recruitment industry so maybe I can put you in touch with a few opportunities and - - -

30

All right. When he said he was working in the recruitment industry did he indicate that he was doing that personally or through a company?---I don't, I don't recall any conversation around that but - - -

All right. Well, when, when did you first understand that Balu was associated in some way with Canberra Solutions Pty Ltd?---Only when I got a contract for Sydney University.

40

So first of all you thought you were dealing with Balu the person rather than any corporate - - -?---Yes, that's right.

Okay. So before there was discussion about potential contract opportunities did you formally provide him with material about your qualifications and experience?---Yes. So I gave my CV.

All right. And what about transcripts of academic qualifications and things like that?---I don't recall providing that but - - -

What about referees at that stage, any provision of referees at that stage?---
No. Referees, I provided referees quite late in the process of interview.

10 All right. And I – do I understand from discussions that you had with
investigators from this Commission that there wasn't really a formal process
where you were interviewed by Balu, you just gave him some material in
advance of him suggesting some possible contract opportunities?---Yes. So
I think we just discussed my background, my experience not in a as I said
formal situation as you say but what I studied, what I did after my
undergrad.

So give the Commissioner some idea of how long that conversation would
have been?---Ah, maybe around 15, 20 minutes.

Okay. And was that the first occasion at the network meeting or was that
sometime later?---I think maybe it was a call sometime later.

Okay. So it was a telephone conversation?---A telephone conversation.

20 All right. And can you now remember whether that was a telephone
conversation that involved him already having your CV and so on?---Yes.

Right. So he already had that material and then there was some more chat,
chat about it?---Yeah.

All right. Is it the position that he, Balu, forwarded you by email a link to
something about a contract opportunity to the University of Sydney?
---That's right.

30 And what was that role?---It was a project manager role and the line
manager was Jason Meeth on that contract, on that - - -

And is that something you - - -?--- - - - job description.

I'm sorry to cut you off, is that something you saw online that he was the
line manager?---No, he gave me a document which had all the description
and then it was Sydney University logo and everything.

40 THE COMMISSIONER: Who gave you that document?---(No Audible
Reply)

Who gave you that document?---Job description, Balu gave me that.

Thank you.

MR HUNT: So is that what he sent you via email?---I think so.

When you've described getting a link you're talking about him - - -?---No, I think - - -

- - - sending you a PDF document?---I think it was a Word document or a PDF document.

All right. And on that it said Jason Meeth's name, is that right?---Yes.

10 You indicated to him I think that you were interested in being considered?
---Yes, I, I said I'll, I'll apply for this.

And did you apply or did Balu do any applying on your behalf?---Oh, I don't remember but I think Balu would have applied, I didn't apply directly.

Well, you didn't apply?---No.

And yet you got an interview?---Yes.

20 So you assume something happened that Balu did for you?---Yes.

Is the Commissioner to understand that before any contract was agreed with the University of Sydney that you did not have any formal written contract with Balu or with Canberra Solutions?---That's right.

And before there was any contract with the University of Sydney is it the case you're saying that you didn't even know about Canberra Solutions at that time?---Yes.

30 And are you saying that you didn't even know about somebody called Sonata Madambikat at that time?---No, I read her name for the first time on the contract.

All right, we'll come to that. And are you familiar with the name Sonata Devadas?---No, I think I read Sonata M, that other surname on that contract.

40 All right. Well, we'll come, I'll come to that in due course. Before your name was put forward by Balu in relation to the University of Sydney contract was there any discussion about the kind of daily rate that you wanted to be paid?---Yes, I mean look, I never had any contracting experience so I said whatever I was getting before my MBA, permanent role main package, overall package pro rata the daily rate around that would be okay so - - -

So did you – sorry, keep going?---Yeah, so I think it came to around, about the figure of \$500 per day, he said okay, maybe not that much but maybe a little less but around that ballpark figure.

Ballpark figure of how much a day?---\$500 per day.

500?---Yes.

Was that something that, just explain that to me, did you calculate your, the permanent salary that you had before your MBA and then divided it by - - -?
---Number of days, yeah.

The number of days and got up, got to 500?---That's right, yes.

10 And then Balu said well, you wouldn't get that but you might get - - -?
Yes.

- - - something close to that?---Yes.

Is that how it was?---Yes, yes.

Did, did you make it clear to him that there was a figure below which you would not work as a daily rate?---I don't recall that number, I mean I would have said that this is the ballpark figure and I would like to be around that.
20

That was the 500 was the ballpark?---Yes.

But I'm asking you a different question. Did you ever say to Balu "I wouldn't work for less than"?---Something. No, I don't recall that number, that's what I say, I mean - - -

Well, just bear with me. Are you saying you don't recall - you recall having a conversation with him that you wouldn't work for under a particular figure but you can't remember the number or you can't remember having a
30 conversation like that with him at all?---No. I mean what I said was, I remember rounding off my permanent salary, permanent role salary and coming up to that final figure number but I don't remember the lower mark around which I would accept. So I think I said around, between 400 and 500 but 500 is the number I would like to have it.

So you did him a range?---I think, around that, yes. I don't remember the exact number I gave on the lower side but I distinctly remember 400 because that was the calculation from my permanent salary before.

40 What was your permanent salary immediately before you - - -?---Did my MBA.

- - - got your MBA?---A hundred thousand plus something, so.

A hundred thousand gross?---Yes.

Before tax?---Yes.

Plus something, what some small allowance or - - -?---Yeah. So they had to give bonus and all those things.

And are you, and are you saying that - - -?---At least I should target that much.

I'm just trying to understand this. You told the Commissioner that you wanted about \$500 but Balu said "It might be a bit less than that"?---Yeah.

10 I asked you whether you had a conversation about what was the least you would take and you're now saying that you had a conversation with Balu somewhere between 4 and \$500. Are you only doing that because I'm asking whether there was a bottom figure?---I don't recall because this was a telephone conversation so as I said I remember distinctly saying this is my gross salary like for one year and if I divide by number of days it comes out to be 400. Now I remember saying that I would like to target but I don't remember saying anything around lower mark on that but - - -

20 So just help the Commissioner understand why if you've got more – with a permanent job you get sick pay, holiday pay, superannuation and permanency, don't you?---True.

So you had a job before you had tertiary qualification of an MBA where you were getting \$100,000 with all those benefits?---True.

30 I'm trying to understand why you would offer to Balu to take a less secure contract role with less benefits for less money?---As I said earlier, this was a stop gap arrangement until I find something permanent. And secondly, I had some personal emergency back in, overseas, so I might have to travel so I told that I'll take this contract. Because contract normally has lesser notice period.

So that was, was that issues that you knew were going to be happening with your father's health at that stage?---That's right, that's right, yes.

I see. And so you said to Balu – did you tell Balu that you might need to travel or that was just something that was going on in your mind?---In my mind, that's right.

40 And that made you a bit more negotiable?---That's right, yes.

Did you have any idea what the going rate was for somebody doing a project manager role at the University of Sydney?---I got some indication around – from different project managers who were already there. Some, few people, I got some indication around 900, 800 but after those inquiries started I realised that it's much beyond that so I found out it's 1,100 something.

But the conversations that you had with other contractors at the University are you saying they happened after you'd already started on your contract?--
-Almost, I was about to finish and the end of my contract.

All right. You didn't, pardon me, you didn't make an inquiries before you started the contract as to what the going rate was?---No, because I was focused on getting the contract going and then maybe look for a permanent role.

10 All right. When you knew that you had an interview did Balu tell you who would be interviewing you?---I got this invite, calendar invite which says you have to be here at certain time and location. I don't remember any indication on that but I, I guessed from the job description it would be my line manager. That would be Jason because that – his name was there on that job description.

All right. Listen carefully to this question. Apart from anything that was written down - - -?---Ah hmm.

20 - - - did Balu mention the name Jason Meeth to you before you went to the interview?---No, I don't recall that because I did my research on the line manager but I think Balu did mention that it was Jason who is going to be in the interview and there was - - -

Are you, are you sure about that?---Yes, I am sure about that. And there was another person as well in the interview apart from Jason.

Was that Jovan Apostolovic?---Yes, I think he was.

30 All right. And are you saying that Balu hadn't indicated to you that he knew Jason Meeth?---Yes.

You're saying yes, he didn't tell you that?---He didn't tell me. That's right.

When did you first come to understand that Balu did know Jason Meeth?
---When I connected with Jason on LinkedIn. That's how I found out that they were connected as well.

40 And did you connect with Jason on LinkedIn before you had your contract with the University?---No, no. Almost I was at the end of my contract. That's when I connected.

And why did you do that?---You always keep in touch with your line manager for future reference so when I left for overseas and when I came back I think that's when I realised that I would need his reference for the next opportunity.

And you're telling the Commissioner that that's the first time at all that you knew that there was any connection between Balu and Jason Meeth?

---That's right.

Apart from as a recruiter?---That's right.

All right. So what happened during the interview?---I gave my background details, all the projects I worked on.

10 All right. Pause for a minute before we go into this. Did you understand that any other organisation apart from Balu was involved in putting you forward by the time of the interview?---Yes. I mean when I got that invite for the interview there was a mail chain which had Paxus name.

Yeah, and somebody called Samuel Williams?---Samuel Williams. That's right.

And did you know that person?---No.

20 So when you saw a mail chain that involved a person that you didn't know and I assume a company you hadn't dealt with. Is that right?---Yes.

What did you do then?---I asked Balu and he said this a C100 company. So I didn't know about all those things but he explained to me that they are on the panel so we partner with them and that's how we pitch for the resources.

All right. So this "we" business, I thought you said earlier that it was only after you had a contract that you understood that it was an organisation called Canberra Solutions?---Yes.

30 So are you saying that – when Balu was saying "we partner with Paxus" what did you understand that to mean?---Merely Balu's own enterprise and then Paxus.

And you didn't have any contact with Mr Williams or anyone else from Paxus - - -?---No.

Let me finish the question?---Sorry.

40 Before you went to the interview?---That's right.

Who asked you questions at the interview?---I think it was mostly Jason.

What sort of questions were you asked?---My background, my education, the projects I worked on, stakeholder engagement, how would I manage customers, tough customers, how – and then I distinctly remember a specific question around if there is a project where a lot of streams in the project how would you re-engineer the whole process to deliver it effectively.

And was there any – did you disclose during that interview that you had personal issues that might mean that the contract would need to cut short?
---Sorry, come again.

Did you disclose during the interview that you had personal issues back in India that might mean that the contract would need to be cut short?---No. I think the notice period itself was two weeks so that was good enough for me I think.

10

All right. But you didn't – just so I understand it you didn't take up with either Mr Meeth or Mr Apostolovic during the interview that there was a chance you might need to cut it short to travel to India?---That's right, not during that interview process.

And do I assume that there wasn't any discussion about possibilities for remote work during that interview, that is offsite work?---Not during that interview.

20 THE COMMISSIONER: Mr Parekh, a moment ago you said that “the notice period was two weeks so that was good enough for me”, did, did you mean to indicate that your intention was that if you needed to leave the country quickly that you could give two weeks' notice and terminate the contract so that you could leave?---That's right.

Right. That was what you planned to do?---That's right.

30 Right?---Or even if, even if they asked me to work remotely and then if I have to stop working I can give two weeks' notice and so I can keep working for two weeks and then deliver everything and terminate.

MR HUNT: Apostolovic never asked you to work remotely did he?---No.

And Meeth never asked you to work remotely did he?---No.

Ever?---Not in that interview I mean.

No, ever.

40 THE COMMISSIONER: At any time, at any time.

MR HUNT: At any time?---Ah, we were given laptops so I think later on we were told that if you want to work from home you can work so I think during another project I worked from home for certain deliverables.'

What, what period was that for?---I think it was around August/September timeframe sometime.

August/September?---For one of the projects.

2012?---'12 and then 2013 again when I had to deliver the final stuff.

What do you mean “when I had to deliver the final stuff”, what do you mean by that?---So I had to hand over everything to someone, that’s when I think I used online remote login.

10 What period are you talking about?---2013, Feb/March timeframe. That was the last - - -

Well, be as specific as you can please?---So I think when I, I, I told Jason that I won’t be able to continue for long, he said you work and whatever you have on your list, you just hand it over and then basically you can terminate the contract.

All right. The first period that you talked about in 2012 where you did some work remotely, did you do that from your home did you?---That’s right.

20 And what was the timesheet arrangement in terms of Mr Meeth being satisfied that you had worked the hours that you said you worked from home?---So I never applied for overtime during any time so I always ensured that because if, I mean, there is always a question of how efficient you are at home and that sort of thing so most of the overtime I did I never applied for the overtime.

30 THE COMMISSIONER: That wasn’t the question, Mr Parekh. The question, the question was what was the arrangement with respect to the filling out of the timesheets, regardless of whether you were working on site or remotely from home? How, how did the company know how many hours to pay you for?---Yeah, I think mostly it was what, seven or eight hours, whatever standard rate, standard hours you have to work.

No, no, Mr Parekh, what we’re asking you is how did you arrange to fill out the timesheets for the, for the period of time that you weren’t working on site, that’s what’s being asked of you?---So look, I always keep, kept Jason informed on what I was working on and how, how much time I worked on and - - -

40 MR HUNT: By email?--- - - - and he was – yeah, by email, yeah.

So you always, if you were working remotely you would always what, tell him you were working remotely by email?---Mostly I call him and talk to him.

Well, hang on, I just asked you whether it was by email and you said yes? ---So the - - -

Is it, is it email or telephone or a combination of both?---So my ah, all my timesheets were submitted on, on email and all my conversations were in the, on the phone.

So are you saying to the Commissioner that if you were working away from the office and at your home that you wouldn't send your line manager an email about that?---I would send regular, I mean, if he was on the project so I would send – because Jason was the head of the projects and he was on some of the project control boards and some of the decision-making - - -

10

Mr Parekh - - -?---Yeah.

- - - just stop answering because - - -?---Yeah.

- - - you're not answering my question?---Sure.

According to one side sending timesheets by email are you saying that if you were asking for permission to work away from the University of Sydney that you would send Mr Meeth an email about that or, or not?---Or mostly call, call him on, on his mobile or on his - - -

20

You'd call him on his mobile?---Yeah. And, or his extension.

Why wouldn't you send an email?---I think I did send a few emails but I mean, there was no set communication agreement saying I would always send an email with Jason.

Let's look at it this way. You, if you're working from home you want to be paid, don't you?---That's right.

30

You don't want to work from home and at the end of the time period have somebody that you're reporting to say I'm not going to pay you because you weren't in the office, correct?---That's right, yes.

So wouldn't you protect yourself by writing to your manager saying - - -?---I worked on - - -

- - - "Could I please have permission to work from home", or "I refer to the telephone conversation we've had where you gave me permission to work from home", so that there's something in writing about it?---Yes. I mean, normally even if I send an email I always say referring back to our conversation as discussed this is my timesheet or this is my commitment or this is the work I'm working on.

40

So just to be clear, even if there was telephone contact between you and Mr Meeth about working away from the University of Sydney, it was confirmed by you in writing by way of email afterwards, it that what you're saying?---That's right, yeah.

And you're sure about that?---Yes.

All right. And do I assume correctly that the only kind of permissions that were sought were from Mr Meeth rather than from anyone else?---Yes.

And they related to two periods, did they, a period in the second half of 2012, what were those dates again?---August, around August time frame when I worked - - -

10

Did you say August, September earlier?---Yes.

What were – give us an idea of how long that was that you weren't working in the office but you were - - -?---It would be a day or two. I mean it wasn't - - -

It wasn't an extended period?---No.

20

It was just a couple of days?---No.

And was that the only period where there was permission sought and given to work remotely?---No. I mean I see a lot of other project - - -

All right. What, what other periods were there where you sought and received permission from Mr Meeth to work remotely?---I think it was in February as well, February, March time frame when I had to leave and he said "O.K. Continue, take your laptop and make sure that - - -

30

THE COMMISSIONER: Is February, March of what year?---2013.

MR HUNT: All right. And Mr Meeth said "Take your laptop and?---And make sure that you deliver whatever is on your plate and then maybe - - -

And what was on your plate at that time in a project sense?---So I was working on this faculty specific projects and then there was a faculty - - -

40

All right. Well just, what does that mean that you were working on a "facility specific project", what does that mean?---So that's the name of the program they said "Facility specific research and education IT program".

Right?---So I delivered that in 2012 and there was some extensions to that in 2013.

And when did your final work on that conclude?---In March.

When?---I think it was the third week of March.

The third week of March. And then did your contract continue thereafter, did you go onto a different project?---No. That's what I said. I, I finished my dealing with the University because I was supposed to be away.

You were supposed to be away. So you were getting your work done before you went away, is that what you're saying?---Yes.

So was this a connection to do with your father's health that - - -?---That's right.

10

- - - took you away?---That's right.

And do we understand your evidence to be that you got some permission from Mr Meeth to take your laptop home and do the last bits of the faculty specific project from home toward the end of your contract?---That's right.

And when I'm saying home, I'm talking about your home here?---Yeah. Here and then I did some work when I went to overseas as well.

20

All right. And I assume that this is all - this kind of arrangement must have been documented?---I don't have those emails when I - - -

All right. Well, just bear with me if you don't have the emails. You agreed I think with the proposition when we were talking about working from home in a period that ended up being August or September, 2012 that you would have a telephone conversation - - -?---Yes.

30

- - - but then you would document it with Jason so that there was something in writing about his permission. Correct?---Yes. I mean I would have put somewhere in the email - - -

Well, that's what you said isn't it?---Said, yes, yes.

And I'm assuming it stands to reason if there were more complicated arrangements that involved working from home finishing a project before you went to India - - -?---Ah hmm.

40

- - - that you would have documented that in an email?---I think so but I don't remember that but - - -

All right. Was it - - -?--- - - - normally I would.

Sorry, you go on?---Normally I would put it in an email saying this is what we agree.

And was it the same position that you had a telephone conversation with Jason Meeth before starting that arrangement and then confirmed it in email?---Yes.

All right. And you confirmed it with him rather than him confirming it with you?---Mostly yes.

What do you mean mostly yes?---Mostly normally because I normally don't get enough emails from Jason because it is – I never got – I mean he never responded that quickly. Normally I put an email saying this is what we agreed or this is what we discussed.

10 All right. Well, mostly seems to be talking about emails generally - - -?
---Yes.

- - - with Mr Meeth. I'm asking you about emails to do with permission to work remotely. Do you understand?---Yes.

And what you've said a couple of times in evidence just to be clear is that in terms of any time that you worked from home in 2012 that that would have been verbal permission given by Jason and then you would confirm it in an email - - -?---Normally, yes.

20 - - - to him?---Yes.

All right. In terms of this unusual arrangement where you knew your father was ill - - -?---Yes.

- - - you had jobs to do on the faculty specific project - - -?---Yes.

- - - and you had been told by Jason that you needed to finish that up I think before you could go to India. Is that right?---Oh yeah, even continue
30 communications if you can to hand it over to someone. So - - -

Well, help me with that. Continue communications if you can?---So - - -

Is there some suggestion that you might not be able to communicate a handover to another project manager?---Yes. So because faculty specific – that program had a lot of streams, small streams and maybe not everything is covered before I go so he said continue on and just make sure someone is marked on the emails so they can take it over from there.

40 So who was that person that was marked on the emails?---I think – so the first program I did in 2012 - - -

No, let's just stick with 2013 for the moment?---'13. Okay. Who was the person who was marked in the emails apart from Mr Meeth who was responsible for picking up the threads of your work on the faculty specific project?---I think faculty specific the next project manager was Peter Zak.

So you copied Zak and Meeth into emails did you?---And one of the BAs, business analysts, and now I don't remember who was the BA at that, at that time.

All right?---But before that it was Neill Li who was my BA, business analyst.

10 All right. Is your evidence that Mr Meeth gave you permission to work from home sometime, and I'm talking about home in Australia, sometime in February/March, 2013?---Yes, I think.

When did you start to not work from the University but work from home in Australia in February/March, 2013?---I think it was around the third week of February.

And how long – and that was – was that when you started and you'd already got permission by then?---Yeah.

20 So you had got permission by way of having a telephone conversation with Mr Meeth?---Yes.

Where you rang him?---Yes.

And you now can't say whether it was on his mobile or his landline?---No, I don't recall that.

30 All right. It seems unusual that you would first say that you would contact him on the mobile if he, he was based in the University?---Yes. I think because I had his mobile number and I had his extension so maybe I would have called one of those two numbers.

And then you confirmed that in an email to him saying thank you for giving me permission to work on the project from home?---So, so I don't remember putting that in an email but I think normally I'd put it in an email saying as discussed and this is what it is.

40 All right. And then do – is the Commissioner to understand that sometime after you had worked from home you had another conversation with him where you'd decided to go to India and you wanted to find out whether you could work, continue to work for the University - - -?---Yes.

- - - from India?---That's right, that's right.

And so when did that conversation happen?---I think around that fourth week of February when I had to travel.

Fourth week of February?---I think, yeah, third one.

So the end of February?---Yes.

Or the beginning of March 2013?---Around that timeframe.

So you'd made a decision to travel by that stage, is that right?---Yes, yes.

And you – was it the same thing, you rang Mr Meeth - - -?---Yes.

- - - and said can I have permission to travel to India?---Yeah.

10

And was it, was the plan that you would keep working indefinitely from India?---No, I mean my contract was ending in around I think six, seven months but I was not planning to continue, I just wanted to handover whatever I can so that I can focus on my personal stuff.

So did you provide the two weeks' notice that you gave evidence about earlier?---I think I spoke with him saying I would like to, once this is delivered I would like to terminate that.

20

All right. And I presume that's something that you would have reduced to an email because it's an important - - -?---I think, I think I got to put that in an email.

All right. And did you ever tell Balu at this stage that you were ending your contract?---Oh, I don't remember specifically communicating with Balu but mostly I was dealing with Jason for my Sydney work but I think he would, Balu would have come to know, know this after – from, from University.

30

So you didn't tell him?---No, I don't think so.

And what about Mr Williams, did you tell him that you were stopping the contract?---I was not in direct touch with Mr Williams.

Ever?---No, not during my University period.

All right. Apart from sending timesheets once they'd been approved by Mr Meeth to Paxus did you have any contact with Paxus at all?---Yes. I mean after I came back from India - - -

40

No, just to do with this contract, I'm not interested - - -?---Oh, okay.

- - - in later deals. Did you have any contact apart from sending timesheets to Paxus?---No, I think there was a common Paxus email where we had to send timesheets - - -

Yes?--- - - - and - - -

Okay. And what I'm saying is putting that to one side any other contact with Paxus at all?---No.

And you got paid by Canberra Solutions did you?---That's right, that's right.

And have you ever talked to Mr Williams?---After I came back from India, yeah.

10 Yeah. Ever talk to Mr Williams over the period that, before you left for India?---No, no.

So you never talked to Mr Williams at all - - -?---Yes.

- - - in relation to your University of Sydney contract?---That's right.

Ever?---No.

20 Did you speak to anyone else from Paxus at all in relation to your Sydney University contract?---Oh, I'm not sure. I mean, I, I (not transcribable) that timesheet person but I don't remember talking to her.

On your affirmation, Mr Dhawal, tell the Commissioner how many days if any you worked when you were not in Australia pursuant to your contract to the University of Sydney?---Oh, I don't remember the exact, it was I think until third week of March or fourth week of March, around that timeframe.

All right. That doesn't quite answer my question. How many days - - -?
---Days.

30 You think, think back. You flew - - -?---Yeah.

- - - from Australia to India?---Yeah.

Your father was critically ill?---That's right.

How many days or hours did you work if any for the University of Sydney when you were not in Australia in 2013?---I'll have to look at my ah, ah, timesheet and see but I think maybe that three or four weeks.

40 THE COMMISSIONER: Do you know when it was that you flew out from Australia, what was the date of your departure?---It was around end of February, early, early March.

Well, you don't - you can't be more specific than that?---I can find out my itinerary but it was around I think that timeframe.

When you indicated to Mr Meeth that you needed to leave the country what did you convey to him? Did you convey to him that you were terminating

the contract or that you were taking leave or that you were intending to work from India while you were away, what did you tell him?---So I told him that “Look, this might be”, “that I have to go and come back after maybe a few, few weeks or a few months”. So I didn’t say that I will come in at that point in time before I travel but I think I remember that once I was there then I communicated over email saying maybe, I might not work going forward. This is the final timesheets and this is what I’d finished.

10 Well, no, what I’m trying to understand is what was conveyed to Mr Meeth when you told him that you needed to leave the country? You’re on a contract, aren’t you?---That’s right, yes.

So you either have to terminate the contract or you have to come to some other arrangement with Mr Meeth - - -?---So I said - - -

- - - so I’m asking you what you said to him about – what was the employment relationship going to be while you were in India? Did you, did you tell him that you were taking leave, terminating the contract or you intended to keep working? That’s what I’m trying to understand?---Yeah. I
20 mean I said “Look, I intend to keep working as far as I can if not than we will terminate then, going forward”.

So that’s what you told Mr Meeth before you left?---That’s right.

And he, he approved that, did he?---He agreed to that, yeah.

30 So when you left the country, the understanding between you and Mr Meeth was that you would effectively continue to work and you would continue to submit your timesheets for work that you were doing remotely?---That’s right.

That was the understanding?---That’s right. And I sent my timesheets to Jason and I think he approved for that.

MR HUNT: All right. Let me just read you an email that you sent to Mr Meeth in case this clears this up, all right, or parts of it. This is an email that you sent and it says “Request for timesheet approval, February and March ‘13”?---Yeah.

40 All right. “Hope all is well at your end. I’m sure it’s getting busier at this time of the year”. Do you remember that?---Yeah. I think this was in May, June time frame I guess.

All right. Because it’s heading towards the end of the financial year and that’s why you’re saying “Getting busier”. Correct?---Yes.

All right. "As I mentioned in my earlier email I'm still here in India attending to some of the critical treatments for my dad and would not be back in Australia for another couple of months at least"?---Yeah.

Was that, was that true as to the position?---Yes.

Were you there communicating with him that you were planning on resuming your contract when you came back to Australia?---No. I sent those – I think that email I sent the final timesheets and - - -

10

Well, I'm coming to that bit?---Sure.

But where you are saying to him you're not going to be back for a couple of months at least, was that to put him on notice - - -?---Yes.

- - - that you might want to pick up your contract when you came back?---No. I mean, because contract was ending I think in a few months from there so I was not planning to renew that.

20

So had you terminated it formerly with him?---I think, I said "This is my final timesheets", and then I never put saying this is my resignation or whatever. But I think - - -

All right. So Mr Meeth had your email address obviously in India?---Yes.

Did you still have access to a University email address, I presume you did?---Yes.

30

So did he ever email you saying "What's going on"?---No. I mean I was mostly communicating through my personal email and then I think I had access to all the data on my laptop and I didn't check my Sydney Uni email, I think.

Okay. You listen to this very carefully?---Yes.

"As I realised I have some unapproved timesheets for the time I worked at USyd before I left for India". Correct?---Ah hmm.

40

Is that correct?---So I think there would be one before, a few before I left and then a few after I left, I think.

All right. Just listen to it?---Yeah, sure.

As I realised I had some unapproved timesheets for the time I worked at USyd before I left for India". Do you agree that doesn't make any mention of first, working from home, you agree?---Yeah.

You're nodding. It's talking about work at the University of Sydney. Correct?---I think.

And you're talking about before I left for India. Correct?---Yes.

There's nothing about here are some timesheets for time I spent at University of Sydney, time I worked from home and time I worked in India is there?---Look, I mean I was not very specific in that email but he knew that I, I travelled to India on one date and he knew that I had laptop and I can work remotely so - - -

THE COMMISSIONER: Well, just before we take the short adjournment, Mr Parekh, can I also ask you to listen carefully to an email that you sent to Mr Meeth on 7 March, 2013 - - -?---Ah hmm.

- - - which reads, "Hi Jason. As discussed I would like to apply for at least four weeks of leave to take care of family emergency regarding the health issue of one of my family members."?---Yes.

20 "With these ongoing issues I won't be able to do justification to my current responsibilities so it would be better for me to take some time off to resolve it." And then you talk about some relevant documents on SharePoint and, "I can be reached on my email. As suggested I will keep you informed about the progress at my end. Please revert for any specific process formality required on my side. Thank you once again for your support and understanding." So that would seem to suggest that before you left for India you told Mr Meeth that you were taking at least four weeks' leave?---Yes. I, I put that email and then I called him and he said look, you don't have to apply for leave but you, you can take your laptop and work remotely.

30 And he said that in a phone call to you?---Yes.

And did you ever get any written confirmation of that from Mr Meeth? ---No. So - - -

So there's absolutely no - - -?---Normally - as I - - -

There's no - there's absolutely no confirmation of that arrangement that we can find in any written record?---Normally I never get email from Jason. 40 It's always one-liner or two-liner so I normally put saying this is what as discussed. So I put that email and I think I called him and said I am going for this and he said look, you can still continue and work remotely.

That might be an appropriate time. We'll take a short adjournment. Thank you.

SHORT ADJOURNMENT

[10.57am]

THE COMMISSIONER: Yes. Yes, Mr Parekh, if you could come forward please, thank you. Just take a seat. Yes, you're on your former obligation to tell the truth. Yes, Mr Hunt.

MR HUNT: What was the last day that you were actually at the University of Sydney before you stopped being there in 2013?---I think it was around third week or fourth week of February.

10

All right. And then you had some time not going to the University of Sydney before you flew to India?---Yes.

And you flew to India on 14 March?---I'll have to check that date, I said I think around first week of March sometime.

15 March I'm sorry, does that sound right?---No, I'll have to check that, the date, I think it's first week or second week of March maybe.

20 THE COMMISSIONER: Sorry, Mr Hunt.

MR HUNT: No difficulty.

THE COMMISSIONER: Do we have any records in relation to that date?

MR HUNT: Yes, we've got some records - - -

THE COMMISSIONER: Right.

30 MR HUNT: - - - that suggest the 15th.

Just have a look at this document?---Okay, okay.

I'm showing the witness volume 11, 328, page 328. Just accept from me that that's an Immigration document. Do you see it says "Depart 15 March - - -"?---Yes.

- - - 2013"?---Yeah.

40 And then come back some time later in July?---That's right.

And that coincides with the trip you took to India when your dad had medical treatment, correct?---That's right, that's right.

Do you now accept you flew out on the 15th?---The 15th, that's right.

All right. Perhaps that might be returned. And you sent through to Mr Meeth the email that I read out to you earlier, a whole lot of timesheets from February and March?---Yes.

Correct, and then later do you remember you sent him another one - - -?
---Yes.

- - - for another week?---Yes.

10 And that was a week that you were actually in India wasn't it - - -?---That's right.

- - - for the most of it?---That's right.

And all of those were approved?---Yes.

And you say that you had approval from Mr Meeth on the telephone for working from home in Australia?---Yes.

20 And from working in India?---Yes, so I had the laptop and - - -

Ah?---I had the company laptop, Uni, Uni laptop to - - -

All right. And what sort of documents did you have to sign to have the laptop?---Ah - - -

There would be some kind of inventory form you would have had to sign to take the University of Sydney laptop overseas wouldn't there? What, what form was that?---Ah, I don't recall any form for that.

30

All right. Was there any email confirmation that you were taking hardware that belonging to the University overseas?---No.

Not to Mr, not to Mr Meeth?---No.

Not to anyone for Mr Meeth?---No.

And not to you, you didn't send an email to him advising him and asking him permission to do that?---I had a word over the phone but I don't
40 remember putting it in an email.

Why wouldn't you do that?---Because I think everyone had laptop with them all the time, I don't think that was required. I mean I thought it's not required.

But the reality is you claimed for time when you were not working on this project at all didn't you?---No, I, I mean I only claimed for the effort I have put in, I mean not, not beyond that.

How do you explain when you collected up all your timesheets for the work you say you'd done in an authorised fashion, that you missed one out for another week when you were out of the country?---Sorry?

Well, just perhaps the witness could be shown volume 11. Just bear with me, Commissioner, I'm sorry. Perhaps first of all if the witness could be shown page 272 volume 11. I apologise, Commissioner.

10 Do you see there that the email at the bottom there that you send in response to which Mr Meeth says your timesheets are approved - - -?---Yes.

- - - was sent by you on 14 May, 2013?---That's right, yeah.

If we go to the next page please. Do you see that's the email where you expressed yourself as sending timesheets for the time you worked at the University of Sydney before you left for India?---Yes. I mean - - -

20 It's not consistent with what you've told the Commissioner today, do you accept that?---Look, I mean I said - - -

Do you accept its not consistent with what you've told the Commissioner today about the arrangement?---Like what?

Like it doesn't say timesheets for the time you have approved me working for the University from home before my trip to India for instance?---So that's not mentioned here working from home.

30 And why not?---But this was only for the timesheet I think not - - -

THE COMMISSIONER: Mr Parekh, there's another issue though. You see in that email which includes a request for approval for timesheets that go up to 24 March - - -?---Yeah.

- - - which is 10 days after you've left Australia - - -?---That's right, yes.

40 - - - you say in that email "for the time I worked at University of Sydney before I left for India." Now that's not right is it?---I mean, yeah, this statement is not right.

That's not right?---Yes.

Right. Okay?---I agree.

Why is it not right?---Because I, I (not transcribable) to mention that I left on this date and this is after I left India so yes, this is not right but I think Jason was aware that I was travelling to India and then I would work after some, for some time and - - -

Well, can you, can you explain to the Commission why the email doesn't say I have some timesheets for approval for the time I worked before I left for India and for the time that I have been working in India pursuant to your approval?---Yeah, I, I didn't mention that, that's, that's my mistake in that email.

Why not?---Ah, because I had a phone conversation and I, I didn't - - -

10 No, no, no, we're talking about why it's not in the email. Why isn't it in the email?---Look, I mean I would have missed out on that part.

This is your one opportunity to put in writing - - -?---Yes.

- - - that you had oral approval from Mr Meeth - - -?---Yes.

- - - to work for the University of Sydney from India?---That's right.

And you didn't do it?---I think - - -

20

Are you telling the truth, Mr Parekh?---Yes, I am, I am.

Are you sure about that?---Yes.

You understand the penalty for not telling the truth?---That's right, yeah.

Right. Yes, go on.

30 MR HUNT: All right. Could the witness be shown 2623, volume 11.

See this is an email from you, this is, this is an email from Mr Meeth to you 19 May approved and it's in response to your email saying "My dad's health's improving slowly and gradually, hopefully he'll be fit in the next couple of months. Sorry, forgot the last one, week ending 24 March, 2013 attached herewith."?---Yes, I, I - - -

You see that?---Yes.

40 And you agree that that was another opportunity to say this relates to work done **remotely** from India as agreed and approved by you?---Yeah, but I think - - -

And it doesn't say it does it?---It doesn't say that, that's true.

All right. Thank you. When's the last time you've talked to Balu Moothedath?---I think maybe a couple of months back when - - -

Was that in relation to recruitment or something else?---No, this was after I talked to ICAC he called me to find out what's happening.

So he wanted to know - - -?---Yeah.

- - - that – what you'd said to ICAC, is that right?---He wanted to know that, that's right.

10 And so what did he say to you?---He said like what, what did you discuss and what did they ask and all those things.

And what did you say to him?---I said look, I mean, I, I – whatever information I had in terms of my PAYG and everything, my contract with Canberra, it's all out there so I had nothing more to share with you in terms of what I discussed with ICAC, I think you have to discuss that with them directly.

20 So you told him that all the material about your contract with Canberra Solutions - - -?---Yes.

- - - was discussed with ICAC?---Yes.

Is that what you're saying?---Yeah.

And how did Balu know that you had been to have a discussion with investigators of this Commission?---How did – I think he was talking to all the, all the people who, who were contractors under Canberra Solutions to find out if they had been asked or they were discussing anything.

30 What I'm trying to understand is you say that Balu rang you after you had been interviewed?---Yes.

How did he know when you were being interviewed?---I think, I think maybe - - -

Did you tell him you had been approached?---I think I discussed that with him over the phone saying what, what's happening, what, what is the deal.

40 Why would you ring him when you had been approached by the Commission, did you want to find out what you should say?---No.

Well, why would you ring him?---Because I wanted to know why these things are happening in the background, like I was not aware of anything and what is happening.

And what did he say to you when you made an inquiry about - - -?---So he, he said it's – I think it's nothing, it's just a small thing and don't worry about it.

When was the first time that you understood that the University had paid much more for your services than you had got?---Actually when I saw the documents online on ICAC website I found the rate at that – on that one.

So when?---Maybe a couple of days back. Actual number.

So you've not known until - - -?---No.

10 - - - that time?---That - - -

Do you appreciate that it seems that Balu was making hundreds of dollars a day off your back?---Yes, I realise now.

And out of the University's purse?---That's right.

Well, what do you think about that?---I think that's pretty lame thing.

20 All right. And Mr Shanker has been in touch with you as well. Is that right?---Sorry, who is that? Shanker?

Mr Shanker has been in touch with you as well?---No. I – he talked me because I, I talked to ICAC first and then I think he was approached by ICAC and I think he called me and asked me about that. I said look, whatever you have got just share with them.

How did he know that you had been spoken to by ICAC?---Maybe he wanted to ask me like were you approached or not.

30 Listen to my question. How did he know, Mr Shanker know - - -?---
Ah hmm.

- - - that you had been spoken to by ICAC, had Balu told him?---No idea. I think - - -

Did you ask him?---I don't recall that but I think maybe Balu would have informed him.

40 All right. Could the witness be shown – I presume you haven't seen any contract about you between the University and Paxus. Is that right?---I saw
- - -

Unless, unless you've seen it as part of the website - - -?---Yes.

- - - exploration?---That's right, yeah.

All right. So you were never shown any document like that?---No.

And you've never seen back at the time any contract between Paxus and Canberra Solutions on your behalf?---No.

Correct?---Yes.

You've only seen a contract between yourself and Canberra Solutions?---I think there was a contract between Canberra Solutions and Paxus but I think the dollar figures were not there.

10 So you - - -?---I think.

Hang on. You're saying you, you saw – are you now saying you saw a contract between Paxus and Canberra Solutions without dollar figures in? ---Dollar figures in, yeah.

When?---I think this was part of my initial contract. I think I would have shared that with ICAC what I had on that.

20 All right. Just tell the Commissioner carefully what you say happened in terms of you signing a contract with Canberra Solutions. So where were you when you signed the contract?---I think the contract was sent to me and then I signed and scan and send it back to Balu, emailed it to Balu.

When you say "I think", are you expressing some doubt about that?---No. Because I think there is scanned copies in my email so definitely I scanned from my place or University I mean UNSW where I was.

30 All right. So there will exist an email from yourself to Canberra Solutions addressed to Balu enclosing a signed contract?---That's right, yes.

All right. And when you signed the contract what markings were on the contract apart from the typescript? In other words, other signatures and dates?---So in my contract, I think it was Sonata's signature and - - -

And what date?---I think it was first week of May sometime.

And did all this happen in the first week of May sometime?---I think, yes.

40 THE COMMISSIONER: Are we – what year are we talking?---2012, sorry.

And you said a moment ago that this was when you were already at the University of Sydney?---Sorry, what was that?

You said a moment ago that this was already, you were already at the University of Sydney when you received this document?---No, no. I was at UNSW because I was - - -

You were at UNSW?---UNSW, I was - - -

So this is before you, this is before you went for the interview or after the interview with Mr Meeth?---After interview.

Thank you?---The contracting was after interview.

MR HUNT: So did you get the copy that was signed – well, you say that it was already by Sonata?---I think, yes.

10

What do you mean “You think, yes”?---Because when I sent it back the signature was already there on that one.

It was already signed on both sides?---Signed, yes.

Can you remember whether it was dated in terms of the other signature?---No. I think I’ve shared those documents with ICAC and all that, yeah.

I'm coming to that. Don't worry about what you've shared?---I think it dated 5 or 6 May, maybe, around that time frame.

20


All right?---2012.

And did that contract with Sonata's signature on it form an attachment to an email that Balu sent to you?---Yes.

Are you saying that it was sent to which email address?---I sent to which email address?

30 No?---Me?

We're talking about you receiving it before you sign it?---I think I would've received it on my Gmail account.

All right. So what's that address?--- 

All right. And that was an attachment and you would've printed a PDF attachment, I assume?---Yes.

40 And signed it?---Yes, and sent it back.

Scanned it?---Yes.

And sent it back?---Yes.

Now did you send it back from your Gmail account - - -?---Yes.

- - - or did you send it back from your University of New South Wales account?---No, no, no. Not the University, I used my Gmail account.

Definitely?---Gmail account, yes.

And what did you understand the purpose of that contract was?---I think it was me being a contractor at Canberra Solutions and then there was an agreement between Canberra and Paxus for me working as a consultant of Canberra.

10

Did you ever know what Paxus's margin was on your daily fee?---No.

Did you ever know what Balu's or Canberra Solutions' margin was on your daily fee?---No. No.

Just have a look at this document. And when you provided the, the copy of the contract to investigators why did you bring that contract to your meeting with the investigators?---Because that's the only contract I had got, I think, for this University engagement.

20

Did Balu ask you to take that contract - - -?---No, no.

- - - to the investigators?---No. I don't have any other contract apart from that.

Well your contracts were extended, did you never get any paperwork about extensions of your contract?---Okay. For the next contract?

30

Yeah?---I tried to search that, I could not find on my Gmail somewhere.

All right. So you're saying that you really thought about taking that to the investigators as well but you couldn't find it?---Yes. That's right. So maybe it was hard copy somewhere not soft copy. This was soft copy on my Gmail so I could easily print it out.

All right. Have a look at volume 9, page 96. Before we get there, I'm sorry. Was there ever any negotiation about your daily rate or you were finally just told what your daily rate was?---I think I was told in that contract "This is - - -

40

All right. When you keep saying "I think" is that just the way in which you verbally express yourself or do you have - - -?---Yeah.

- - - doubt about every answer that you're giving?---No, no, that's a thing.

That's just a linguistic thing?---That's right, yeah.

All right. So have you only ever seen one document that had one rate of pay?---That's right.

And that was what?---450 I think.

And any other terms?---Yeah, I think some training package, I mean training bonus or something.

10 And how did that work?---So if I say if I have gone to some certification and there is a cost involved with that he'll pay me for that so I said I, I was planning to go to a certification if I, I go through that he will give me that ah, training.

So these were allowances - - -?---Allowances, yeah.

- - - at, at intervals that would have increased the apparent remuneration to you out of the contract, is that right?---That's right, yeah.

20 And did you ever do training and make claims on those allowances?---Oh, I don't recall that part, I, I did the training, I mean I did certification in, around August, sorry, that October/November timeframe but I don't remember whether I claimed for that or not. I think - - -

Mr Dhawal, if you had done training and made an extra claim on your contract with Canberra Solutions you'd remember it wouldn't you?---Look, I mean - - -

30 Did you make a claim or not?---I didn't make a claim I think. I didn't make a claim.

You didn't make a claim?---No, no.

So why a minute ago were you saying I'm not sure whether I did?---Oh, because see this, this other package, allowance thing I was not sure of in terms of whether he would pay me or not because I wasn't - - -

Mr Dhawal, why did you say to the Commissioner I'm not sure whether I made a claim, I don't know why you're - - -?---Because I don't recall.

40 Bear with me, I don't quite know why you're smiling, you told the Commissioner a minute ago that you didn't know if you made a claim and you know you didn't make a claim, correct?---Yes, I - - -

So why would you say to her I'm not sure if I made a claim when the next answer you knew you hadn't? Are you trying to make allowances in case somebody else has said something different about these things?---No. No, no, I was just trying to recall because I, I did the certification and I don't

remember specifically going back to Balu saying can you pay me for the certification so - - -

All right. Just, just have a – where were you living in May 2012?
---Randwick.

You were living at flat [REDACTED] weren't you?---That's, that's right, that's right.

10 All right. Just have a look at – and what's your wife's name?---Lopamudra.

Spell that?---L-o-p-a-m-u-d-r-a.

And does your wife work?---She worked, yeah, not now, she - - -

What, what sort of, what's your wife's work? What's her training?

She's an interior architect - - -?---All right.

20 - - - and she did her Masters in Sustainable Design from University of South Australia.

All right. And who was her last employer?---There is a company called (not transcribable)

All right?---Architecture firm.

Never worked for Canberra Solutions?---No.

30 Has it ever been suggested to you that she could for Canberra Solutions?
---But there is no point because Canberra is a recruitment I think my wife is in design industry.

No, no, don't say about the why - - -?---No, I think no.

- - - have, have you, has - - -?---Not suggested, no.

Has it ever been, think carefully, has it ever been suggested to you that your wife could work for Canberra Solutions?---No.

40

All right. Could the witness please be shown volume 9, page 96. Now just before you look at that carefully, just look at me for a minute, Mr Dhawal?
---Sure.

You've only ever contracted with Canberra Solutions in relation to this one contract and then extensions to it, correct?---That's right, that's right.

All right. Just have a look at that. That was your address there, you see you're there as the contractor and Canberra Solutions is there as - - -?---Yes.

- - - Canberra Solutions, do you see that?---Yeah.

You've seen this document before have you?---I think yes.

All right. And just could we go to the next page. Just familiarise yourself with the content?---Yeah.

10

That would seem to be the contract between you and Canberra Solutions - - -?---Yeah.

- - - wouldn't it?---Yeah.

And the next page please?---Yeah.

And see the last page, this is a page that has the signature blocked out for confidentiality reasons?---Yeah.

20

Does that seem to you to be consistent with the document that was forwarded to you by email - - -?---Yes.

- - - for your execution?---Yes.

Yes?---Yes.

30

Okay. Look at the next page. Those figures are different aren't they to the figures that you've given evidence about today?---Yeah. So I think what copy, soft copy I had that's what I printed off and I think that's where my sign and everything is there on that contract. I don't remember - - -

But the contract that you gave the Commission has a date on Sonata's signature on the last page - - -?---Yes.

- - - doesn't it?---Yes.

And you didn't put that date in?---No.

40

Because that was the date that she'd signed it?---Yes.

Correct?---Yes.

You only signed your version?---Yes.

Put your name - - -?---And send it back.

- - -and put the date?---Yes.

All right. Just have a look at this document. I'm showing the witness something that's in an original property identification bag and there's a copy for those in court. Could I please have that one back, Commissioner. There's too many documents. Just showing the witness something that I'm getting out of a property identification bag. Just have a look at that document?---Yes.

10 That's a different document isn't it?---So the other one is from Paxus, sorry.

No. No, the other one is a contract between you and Canberra Solutions, the one that you've been – seen on the screen.

20 THE COMMISSIONER: Can we just for the record perhaps clarify that the document which was shown previously at pages 96 to 101 of volume 9 is the contract between Canberra Solutions and Mr Parekh. No, no, no, not the one you've got now, Mr Parekh. I'm just clarifying what was previously shown on the screen and that was a contract as I said between Mr Parekh and Canberra Solutions that was signed by Sonata and which on the last page includes the daily rate at \$422.02.

MR HUNT: Yes.

THE COMMISSIONER: Right.

MR HUNT: And it has a marking in the signature area and then it has a handwritten Sonata MD in the - - -

30 THE COMMISSIONER: Yes. Yes.

MR HUNT: - - - name area and there's nothing else.

THE COMMISSIONER: And there's no date and no other signature?

MR HUNT: That's right.

THE COMMISSIONER: Right. Now, let's return to the document that you have in your hand, Mr Parekh?---Yes.

40 Let's see if we can identify that one.

MR HUNT: Now, Mr Parekh, that's a document that you handed recently to investigators. Correct?---That's right. With my signature, yeah.

And when – listen carefully and answer honestly?---Sure.

When did you get that document?---So I, I have the email where I delivered this on that date.

When did you sign that document?---I think 4 May.

Okay. If it's got 4 May on it that suggests that you wrote 4 May, 2013 on that document. Correct?---'12, 2012.

2012. Apologies. Does that mean that you filled out that date - - -?---Yes.

- - - on the day you signed it?---Yes.

10

All right. If the Commissioner adjourns the case of your evidence until 2 o'clock, do you say that you can produce the email where that document was sent to you and you can produce the email where you sent that document after you had signed it back to Canberra Solutions?---I can produce – because I could definitely find the email where I send this document to Balu.

Well, as I understand your evidence, you got the document and then signed it within a day of getting it and sent it back?---Yes.

20

So if the case is adjourned - - -?---I can produce that.

- - - you can produce that. Is there any reason that you didn't bring it when you handed it to the investigators in this matter?---Look, I mean I was not aware what to bring. In fact this thing I brought from my own side but I would - if they would have asked me I would have got all the Gmails.

I'm trying to understand what motivated you to bring that document to the investigators?---Because I think my primary engagement was to Canberra Solutions and that was the only contract I had.

30

All right. Listen very carefully. The document that I've showed you on the screen is a document that was produced to the Commission from Canberra Solutions records. Do you understand me?---Yeah.

The one that doesn't have your signature on is undated and for a different money amount was produced by Canberra Solutions compulsorily to this Commission. Do you understand?---Yeah, right.

40

Do you also understand that there's evidence from another witness in this case that Balu invited another contractor to sign a document after the event, after the contract was finished and backdated. Do you understand that?--- Yeah, okay.

Has the same thing happened in relation to this document?---Not for this. I mean I sent, I have the email where I have sent this with my signature.

Did Mr Moothedath ask you to sign and date that document some time more recently than you were working for the University?---I don't remember that, no. I only have - - -

Well you would remember that, wouldn't you? If that happened that would be memorable for you to be asked to sign a contract for something that was already finished. Do you agree?---But I would have the record of that. So this is on my email I have the record. I don't have any other record for that contract.

10

All right. So you can bring back at 2 o'clock this afternoon an email forwarding that document signed by Sonata to you and an email attaching a scanned copy of that to Canberra Solutions, is that what you're saying?--- Actually I - - -

Is that what you're saying? Because I'm going to ask the Commissioner to do that?---Yes.

20

All right. Could this witness's - - -?---Let me search my emails.

Could this witness's evidence be adjourned until 2 o'clock?

THE COMMISSIONER: Yes. We can stand him down. Just before we do that, can I ask the witness to return the document. We'll have it marked MFI4.

30

#MFI 3 - CONTRACTOR AGREEMENT BETWEEN CANBERRA SOLUTIONS PTY LTD AND DHAWAL PAREKH DATED 3 MAY 2012

MR HUNT: Thank you. And I'll ask that it be marked in its, in its property bag.

THE COMMISSIONER: Yes. Yes.

MR HUNT: Just for abundant caution.

40

THE COMMISSIONER: All right. Mr Parekh, if you could stand down, you're momentarily excused. But if you could return just before 2 o'clock with that information, we'd be grateful so you - - -?---Yes. Let me look at my email?

Yes?---I, I definitely have the email which I sent to Balu with that attachment.

All right?---What he sent me I'll have to look for the email.

Okay. But that's what we're interested in?---Yeah.

So if you could stand down.

MR HUNT: And I'm just going to ask for one more piece of cooperation from the witness. Could you kindly email to Investigator Berry as well- - -? ---Okay.

10 - - - the documents, forward the emails - - -?---Sure.

- - - that you are going to produce at 2 o'clock. Do you understand?---Sure.

Thank you.

THE COMMISSIONER: Yes. Yes. Stand down. Thank you, Mr Parekh?---Sure. Thank you.

20 **THE WITNESS STOOD DOWN** **[11.49am]**

THE COMMISSIONER: Sorry. That contract should be MFI 3 not MFI 4.

MR HUNT: Thank you.

THE COMMISSIONER: All right. In the meantime can we continue with another witness?

30 MR HUNT: Yes.

THE COMMISSIONER: Yes.

MR HUNT: Davina Marshall, please, Commissioner.

THE COMMISSIONER: Yes. If we could get Ms Marshall.

MR HUNT: Ms Hughes appears for Ms Marshall.

40 THE COMMISSIONER: Thank you, Ms Hughes. Come forward. Just take a seat, Ms Marshall. Ms Hughes, do I take it that your client has been told of the availability of a section 38 order?

MS HUGHES: She has, Commissioner. She'll be seeking declaration. She'll also take – she will also take an affirmation.

THE COMMISSIONER: All right. Thank you. Ms Marshall, you appreciate that the order protects you from the use of your answers against

you in civil and criminal proceedings but it wouldn't protect you if it was found that you had lied or misled the Commission. You understand that?

MS MARSHALL: Yes.

10 THE COMMISSIONER: Right. 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
10 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 **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.**

THE COMMISSIONER: Can we have the witness affirmed please.

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Thank you. What's your full name?---Davina Rose Marshall.

Where are you currently working, Ms Marshall?---At Greythorn.

10 And in what role?---As an account manager.

And in practice is an account manager, if you like, the interface between the recruitment company and clients?---Yeah. So say for instance - - -

The clients being companies - - -?---The University.

- - - that want to retain - - -?---Yeah.

- - - contractors?---Yeah. So, yeah. Deal with the clients, say University,
20 and find them the candidates they're after.

And, Ms Marshall, you prepared a nine-page statement to assist this Commission?---Yeah.

And in that statement were you doing your best to be truthful and accurate?
---Absolutely.

Is there anything that you want to correct in that statement?---I think there
30 might be – I might have said that I didn't – I couldn't remember seeing Balu
but through the time I do vaguely remember but I don't remember the
content.

All right. We'll come to that shortly?---Yeah.

At various stages of the time period you worked for Greythorn and then you
worked for an organisation called – or amalgamation called Greythorn
Smalls. Apart from being different corporate entities that makes no
difference in terms of the contractual relationships - - -?---No, no.

40 - - - between any of the parties?---No.

Correct?---So do you want me to explain how it all - - -

Briefly?---Yeah, okay. So when they went to tender for the C100 the
business thought that we – they wanted – the Government wanted a one-
stop shop in terms of admin, you know, or IT. Because we're just purely IT
we partnered with Smalls so that anything admin Smalls could do, anything
IT we could do. So we made that but at the same time - - -

But it really made no difference in terms of the recruitment interface?---No, no.

All right. Operating in a full service way - - -?---Ah hmm.

- - - if I can describe it that way?---Yeah.

10 Where Greythorn is offering full C100 recruitment service - - -?---Ah hmm.

- - - you will generally do what kind of things to screen candidates before you would put them up to a Government or semi-Government client for consideration for a contract?---Well, most of the time because it's contracting work and everyone wants to move pretty quickly in getting CVs and people over and getting them onsite it's generally telephone conversations with the candidates trying to assess whether they sort of fit the criteria of the job - - -

20 So with a let's say a project manager's job University of Sydney in that time period 2012-13, what kind of things are you trying to assay with candidates in terms of their fit in terms of education, experience and the like?---I generally sort of talk about their experience. The projects they worked on previously. Just ascertain where they've picked up, whether it's the start of a project, middle of a project. What challenges they faced, how they got over them. That type of thing.

30 All right. And in terms of checking the bona fides of their résumé, what sort of things would you or Greythorn normally do in that regard?---Essentially we'd just have a conversation. We only – well, then we don't actually go into too much detail in terms of their, their degrees or anything like that because of the nature of the – as I say, the contracting is all about being quite fast paced so we don't look at, at degrees and that.

All right?---When required we'll do the reference checks and put that too.

And that's generally post interview, is that right?---Post interview, yeah.

So when they're either shortlisted or - - -?---Yeah.

40 - - - the preferred candidate?---Yeah.

And I, I assume it happens that if you're looking at a job that might attract a daily rate in the vicinity of \$1,000 a day that you would sometimes attract candidates that might have the academic qualifications but are not up to speed or not the kind of candidate that you would put forward for a job like that?---So, so if they were \$1,000 a day?

No, \$1,000 a day positions, some candidates propose themselves to you and they'll be some that you'll say I'm not going to put you up for that?---Yeah, absolutely, absolutely.

Because they just don't have experience or what kind of things would make you - - -?---Yes.

10 - - - say well, you're really a \$500 a day person?---Yeah, well, that's, that's essentially it, so it's just I don't tell them exactly what the, the budget is, I found out exactly what their rate is on at the moment, that will give me an indication as to where they're at. If there's no way – I suppose a lot of – the way that people present themselves over the phone is very much an indication as well, especially for project management roles.

I want you to think about, you know, generally candidates that you for Greythorn put forward to the University of Sydney while Jason Meeth was there for PM or BA roles that were not Canberra Solutions candidates. All right. So in other words your own - - -?---If I was resourcing - - -

20 - - - your own C100 clients if you like?---Yeah, yeah.

Would any of those people have been prepared to work for \$500 a day? ---Absolutely not.

All right. So you might have been able to get them to 850 if there were budgetary constraints - - -?---Yes.

30 - - - but anything less than that would - - -?---Yeah. A lot of the time I'm having to negotiate them down from the rates and the budgets that we have to work to with the University.

So often candidates that you would be putting forward may have attracted more than \$1,000 a day say?---Sometimes, yeah, the, the rate, sort of going rate, market rate at the moment for a lot of project managers at the moment - - -

All right?---Yeah.

40 Which – do you know how it was that Canberra Solutions first came to know about you or want to work with you, and I mean you personally and/or Greythorn?---I don't know any specifics about why they would want to, I think it was a conversation I'd had with Jason and I believe from the email he must have said something to – he'd said that he'll pass on Balu's details to me so from what I could possibly recollect is that what I generally do is if there's someone new in a hiring position I go along, sit down, have a chat, find out what projects are coming up, what the needs would be, what the criteria would be, what they would look for within a person so that's what I would have done with Jason and - - -

And you did that with him - - -?---Yeah.

- - - when he started as head of, head of projects?---Yeah, around about that time.

And had you had any professional dealings with him before that?---No, no, didn't know him.

10 So that was the first, the first meeting?---Absolutely, yeah.

Did you understand that your company along with two or three others became preferred C100 companies to put forward candidates?---Not, not in any specifics, I mean because of the C100 there's only a handful of agencies on that particular category anyway that they, they would generally use so I think there was, in the project management and BA space I think there was roughly around about eight agencies.

20 Could the witness be shown Exhibit E2 please. I'm just going to show you, Ms Marshall, a list of nine contractors who were on Canberra Solutions' books. Of those, which of those became clients to the extent that they did become clients of Greythorn?---Anu Batra and Tarunesh Sahu.

And were they the only Canberra Solutions' people that you put up for contracts at the University during Jason Meeth's period?---I wouldn't say - when you say put up, put forward for potential - - -

30 I'm talking about Canberra Solutions candidates that you put forward? ---There were a couple of others but that didn't get the job I believe.

And who were they?---So Ben Hall but I can't remember the actual time of doing it so - - -

And, and do you have any recollection of Mr Hall - - -?---No.

- - - at all?---No.

Or any recollection of his resume - - -?---No.

40 - - - at all?---No.

And do I assume that any of the Canberra Solutions candidates that you never had any contact with them before interview?---Before interview, during or even when they were onsite, never had any dealings with the actual contractors themselves.

So the only, the only communication if I could describe that between candidates who became contractors was in terms of provision of timesheets?

---I - - -

Electronically?---We, we – at the time we had paper timesheets so they would have probably had to fax it through back then.

Right. But putting that to one side you didn't have any contact with them at all?---No, absolutely not, it would all be - - -

10 All right. Do you now have a recollection of Balu Moothedath being in contact with you?---Yeah. I can't remember too much. I know that we caught up for a coffee but specifics of the conversations or anything like that, it's more just an introduction kind of thing.

All right. And did he put a proposition to you that he would have candidates for jobs at the University of Sydney that he'd like you to, you/Greythorn - - -?---I can, I - - -

20 - - - to put forward for him?---Yeah. I can't remember any specifics but I would say so.

And what was the – I assume from your point of view this was a relatively beneficial arrangement because first of all you were able to put up more candidates without - - -?---Well, that's right obviously I - - -

30 - - - quite as much vetting work?---I would obviously try and fill my own roles because as it's structured there's a payroll provision for people that we haven't sourced ourselves but there's also a slightly higher margin for those that we have spent the time to do it so it would be in my personal interest to do, fill my own positions but obviously if we were able to payroll anyone then, then so be it.

And there was, I suppose notwithstanding the advantages that you identify for your own candidates there was a short-term advantage in placing the Canberra Solutions ones because there hadn't been as much leg work to get them ready in the sense that you hadn't had to vet them or - - -?---That's right.

-- - work on their CV's - - -?---That's right.

40 - - - so on?---Hence the payroll.

Is there a mechanism where a, back at that time, a C100 company can if you like act as an umbrella provider for an identified subcontractor and put forward an identified subcontractor's candidates?---Well, that could happen because a lot of people do actually work through their own companies as well so if – sometimes what happens is people may know people in their own networks and may have gone through interviews or not, or however it

may have happened and they say that we want this person to take this position and that's when we get taken on as the payroll company.

But then that's more what you'd call an umbrella service, is that right?
---That's right, yeah.

And in terms of the margin on placement for a candidate like that would be -
- -?---That's reduced.

10 - - - a much reduced?---Yeah.

Is it one or two - - -?---I can't, I can't remember, I mean it's - - -

- - - per cent?---It was minimal margins at the time and it was, it was varied because of the type of length of the role at the time, whichever category it was in and the sort of daily rate, whatever.

All right. Did - I'm sorry.

20 THE COMMISSIONER: I was just going to ask Ms Marshall to clarify something. The arrangement that you described previously where as you put it the client says we want that person, was that a specific request for a specific individual that was then, that was then put through your payroll - - - ?---Most, most of the time.

- - - as the recruiter but it wasn't, that wasn't a situation where they were simply being put forward as a candidate for interview with other people?
---Yeah, that's right.

30 Right?---I mean it was, it's, it was unusual that they hadn't already had the role to do that but we still, you know, yeah.

MR HUNT: Before we go on with this I'd just, I asked you to identify whether there were other Canberra Solutions candidates that you'd put forward that weren't placed, I think Ben Hall you indicated, was there anyone else?---Just from my emails, looking at my emails that I sent I think there was another (not transcribable) but I can't remember.

40 You've got no recollection?---No.

And is it a reasonable proposition that in relation to Tarunesh Sahu, when you heard that he'd been terminated for poor performance it was impossible for you to have a view about whether that was justified or not because you really didn't know anything about the candidate?---No, absolutely not, I didn't know, I didn't know what he was like, never met, never met him.

Right. When he was put forward had you put forward any other candidates for, for that particular position at that time?---I honestly can't remember.

And what about Ms Batra, can you remember whether you put forward any candidates at the same time as Ms Batra?---I can't, I honestly can't remember, it's probably something I should have looked into.

10 Are you able to – well, you're not able to make any comment on the quality of either of those candidates compared to your candidates because you didn't assess them, correct?---Well, yeah, it's very difficult to sort of say, if you don't know what they're like you can't discuss with them, I suppose, yeah, and communication, what they've done, what their achievements are so I've not been able to, to do it.

20 Could you tell the Commissioner what either conversations or arrangements that you had with Balu Moothedath or anyone else from Canberra Solutions about how, how things would be ordered in terms of both putting the candidates forward and then remuneration and contract arrangements afterwards?---We would, we were generally given a budget from the client to say, you know, what they could afford for that particular role. We would then have to work it backwards to then see what that would equate to, to Canberra Solutions. I wouldn't have any discussions as to what he paid his actual contractors.

Did you expect that he would be taking some margin - - -?---Yeah.

- - - I assume?---Absolutely, yeah.

30 Given the kind of margin that you were attracting for the, the service that you'd provided did you have any expectation about the quantum of margin that Canberra Solutions would be - - -?---It's not really something I'd consider, I think someone else's business is someone else's business but after hearing about what the rates were or what the girls, what say Anu had been paid I was quite shocked.

You didn't have any idea about that level of margin being taken?---No, not at the time.

40 Accepting what you say about other companies' business is their business have you had the experience of placing other perhaps more ethical subcontractors' candidates and known the kind of margin that would be taken by the subcontractor?---No.

Have you ever known?---Never known, never know. We have done it with other agencies before but never known what, what their margin would be.

Well, your expectation that it would be of the kind of order of Greythorn's margin, that is 10 per cent-ish?---Probably around about 15 to 20 normally.

And why would that be?---Just I suppose from our own dealings, you know, just general sort of recruitment standards.

So is the, is the – does the C100 contracts represent a more slender margin?
---Yes.

And that's because - - -?---It's Government.

10 - - - it's a more, it's Government and it's a more guaranteed pool of work I suppose because there's only a few providers in any one category?---Yeah, that's right, you know, we – that's right, I suppose the reason we have lower margins is so that we get higher volume in terms of business.

20 All right. Do you, do you accept philosophically that the idea that Government uses accredited 100, C100 or its new iteration recruiters is because they're seen to be a level of screening and competence in assessing candidates that the Government or semi-Government agency gets by using a C100 agency?---I, I wouldn't really want to know because I think it, because it's tendered business we do put, put together our competencies of what we do, what - - -

Yes?--- - - - what our experience is and it's chosen through those channels.

So Government has Greythorn expound as to why it should be - - -?---Yeah.

- - - its tender should be accepted and it's the Greythorn's and the Paxus's and I don't, you don't need to rate these companies but Michael Page, certain organisations that can - - -?---Have strong - - -

30 - - - say to the market we're strong in screening, we've got good governance, you can trust us to put forward good candidates in sum, do you agree?---Yeah.

40 And do you agree that the arrangement that happened when Canberra Solutions were funnelling their candidates through you meant that the University of Sydney didn't actually get that?---I suppose we did get their references just from going –from the emails. I suppose – it's a difficult situation when, you know, you speak to a lot of clients that do go and do this way of working with other agencies that happened at the time.

Yeah?---It was happening across the whole of Government.

Yeah. But do you, do you accept the general matter that I'm putting to you that a – I'm not talking about Mr Meeth personally - - -?---Right.

- - - but I'm talking about the University as an institution. If it's obliged to deal with C100 suppliers one of the things that it can expect is the kind of excellence that Greythorn says it stands for. Do you agree with that part?

---I suppose, yeah.

And the reality was that with the Anu Batras and the Tarunesh Sahu those candidates were not being screened to the Greythorn standard as far as you could tell?---That's right, yeah.

Correct. All right. And you knew that Jason Meeth knew that you were effectively – you, Greythorn were a funnel for this to happen rather than that you were undertaking your own due diligence in relation- - -?---Yeah.

10

- - - to these candidates. Correct?---But just thinking about it – because I suppose it goes down to like the payrolling way. We don't do – if someone has been put to us as in a payroll aspect we don't do the references there because we're assuming that the client has done all that.

But that's disclosed isn't it - - -?---Yeah.

- - - in that situation - - -?---Yeah.

20

- - - where you're just the umbrella, you're on a lower margin - - -?---Yeah.

- - - transparently because it's understood that you're providing an administration service rather than a full recruitment service?---Yeah.

Correct?---We did the payroll service for this whole situation as well.

Yes. But the - - -?---Sorry.

30

With respect, the payroll service is just back office administration making sure that things keep happening once the contractor is in there and continuing to work compliantly. You agree with that?---Yeah.

What I'm asking you to focus on is the frontend of it. I'm not suggesting that Greythorn weren't competent about providing back office support but rather that you would know that your candidates had been assessed by you as being up to the mark for the contract they were being put forward for. You'd had a look at their CV and - - -?---For - - -

40

- - - thought that it fitted with the - - -?---Yeah.

- - - skillset?---For any – for my specific candidates.

Yeah?---Yes.

And you couldn't say - - -?---Yeah.

- - - that that was the case about the Canberra Solutions?---I couldn't about the Canberra guys, no.

All right. What conversations did you have with Jason Meeth about this issue?---In terms of - - -

Of his - - -?--- - - - the issue - - -

His understanding that you are providing, if you like, a post box service for Canberra Solutions but he was getting candidates from Canberra Solutions, you know, in Greythorn wrapping but - - -?---Yeah.

10

- - - that weren't actually Greythorn candidates if I can - - -?---I can't really remember any specific conversation. As far as I was aware it was he wanted to interview these candidates and after interview he thought they were appropriate for the role.

And so he gave you to understand that he wanted to see these candidates but he understood that the C100 box needed to be ticked?---Through, through Jovan, yeah.

20

All right. And did you ever know whether Jason Meeth was directly getting material from Canberra Solutions?---I have no idea.

So he could have been getting material from Canberra Solutions and then having it resubmitted through you, you didn't know?---So what material are you - like CVs already - - -

30

Like CVs or - - -?---CVs had already been put forward. But quite possibly the way I think - see things as well is if I was going out looking for business if I was, if I was Balu, you know, anyone could sort of say look, I've got these great CVs, could have sent it to, to Jason directly but then understand going through the channels and then putting them through the proper channels so - because other agencies have done that before as well so it's kind of stock-standard practice.

All right. And did, did - once you'd made this connection with Balu where you were prepared to put forward some of his candidates - - -?---Yeah.

- - - to the University of Syd - - -?---Ah hmm.

40

- - - were you ever asked by Canberra Solutions to offer the same kind of service at prospective clients other than the University of Sydney?---From memory I think he did when we met but I would never - I wouldn't do it. It was just a, it was just a case of if someone knew him I would, I would go as what the client has requested so if - - -

So the only reason that you were prepared to do this with Canberra Solutions was because Mr Meeth had - - -?---That's correct.

- - - ordained it?---That's right.

So it was driven by him rather than Balu's desire to put candidates up?---I would say so because I didn't know Balu before - - -

All right?--- - - - any of this.

And just to be clear, you wouldn't do the same thing for Balu with another, another client - - -?---I wouldn't - - -

10

I'll finish the whole - - -?---Sorry.

You wouldn't do the same thing with Balu putting forward Canberra Solutions candidates to other Government clients that required C100 service unless it came from the client end?---That's right.

Can I just have a moment, Commissioner. Yes, that's the evidence-in-chief. Thank you.

20

THE COMMISSIONER: Does anyone have any questions for Ms Marshall? Yes.

MR GRIFFIN: Commissioner, can I just have a moment with Counsel Assisting.

THE COMMISSIONER: Yes, certainly.

30

MR HUNT: Excuse my back please, Commissioner. Your Honour, two pieces of housekeeping and I think one of them will excite an interest of Mr Griffin in asking Ms Davina Marshall some questions.

THE COMMISSIONER: Right.

MR HUNT: I tender what's generally been known as the Corban Report and the annexures to it.

THE COMMISSIONER: Oh yes. I think we marked that yesterday didn't we?

40

MR HUNT: I think it was marked for identification but I don't think - - -

THE COMMISSIONER:.. Yes.

MR HUNT: - - - it was exhibited.

THE COMMISSIONER: No.

MR HUNT: So I'm now seeking to tender - - -

THE COMMISSIONER: That's all right.

MR HUNT: - - - MFI - - -

THE COMMISSIONER: 2.

MR HUNT: - - - 2.

10 THE COMMISSIONER: MFI 2 is now Exhibit E5.

#EXHIBIT E5 - SUPPRESSED

MR GRIFFIN: Commissioner, I seek a non-publication order in respect of that report.

20 THE COMMISSIONER: Yes, and I'll make an order under section 112 of the Act that the exhibit contents and the name of the exhibit be suppressed from publication.

THE CONTENTS AND THE NAME OF EXHIBIT E5 ARE SUPPRESSED

MR HUNT: Thank you. Three pieces of housekeeping.

30 THE COMMISSIONER: Yes.

MR HUNT: That was the first. The second, could I – the document that was marked in relation to Mr Dhawal's - - -

THE COMMISSIONER: Mr Parekh's.

MR HUNT: Mr Parekh's, I'm sorry. The MFI 3.

THE COMMISSIONER: Yes.

40

MR HUNT: Could we replace that with a copy and keep the - - -

THE COMMISSIONER: Yes.

MR HUNT: - - - keep the – and just another matter while I'm on my feet. Mr Dennis put me on notice before the short break that when he was asking Mr Meikle questions yesterday he in error put in a question about the issue of Mr Meeth authorising work away from the University a fortnight. He

showed me his typed instructions limited to that issue and he says that he should have put a month. Just, just that's accepted and I'll sit down.

THE COMMISSIONER: Do I take it that we don't need to recall Mr Meikle for that to be put?

MR HUNT: I take that view unless Your - - -

10 THE COMMISSIONER: All right.

MR HUNT: - - - Your Honour thinks that.

THE COMMISSIONER: All right.

MR HUNT: And I don't think Mr Dennis seeks - - -

MR DENNIS: No, no I don't, Commissioner, and I thank my friend.

20 THE COMMISSIONER: All right.

MR DENNIS: The situation as Counsel Assisting says.

THE COMMISSIONER: All right. Thank you. Yes. Sorry, Mr Griffin. Yes.

MR GRIFFIN: Ms Marshall, my name is Patrick Griffin. I appear for the University of Sydney. Might he witness have Exhibit 5.

30 THE COMMISSIONER: Yes.

MR GRIFFIN: Ms Marshall, can I ask you to turn to page 7 of that document and can you see a heading "Interview Davina Marshall Greythorn"?---Yeah.

Just take a moment to read to the bottom of that page and just over to the next page and then I'll ask you a question.

MR HUNT: What page are you on, Pat?

40 MR GRIFFIN: It's 7.

MR HUNT: It's page 7. We can get that on the screen.

THE COMMISSIONER: Yes. I don't know that we have it, do we?

MR GRIFFIN: It wasn't in the public brief so?

THE COMMISSIONER: No, no. We wouldn't have it. Well, can we just proceed and then perhaps other people can get access to the exhibit if they need to see it?

MR GRIFFIN: I think there copies available.

MR HUNT: Just give your Honour a working copy.

THE COMMISSIONER: Thank you.

10

MR GRIFFIN: Ms Marshall, can you recall having a conversation with the author of this report on 22 August, 2013?---Yes.

And you've read what's said on page 7?---Yeah.

Does that accurately reflect what you said to Mr Corban?---I can't remember the ins and outs so, no, I wasn't expecting his call and he was quite aggressive can I say, and trying to make me recall stuff from a couple of years ago when I wasn't expecting it at all, so - - -

20

Perhaps he wanted a job at ICAC, Ms Marshall. And did you also provide some emails which are in that bundle under - - -?---Yes, I did.

- - - number 6?---Yes.

And apart from being quite aggressive is there anything there that in any way misrepresents the situation as you understood it?---I can't remember how - if I approached Balu or Jason or whatever which way or the term of events went. But I'm assuming from my email that it was probably one of my coffees with Jason that he's mentioned about the Canberra for them to me getting - possibly me getting in contact with them. I can't remember.

30

And did you confirm that two ICT contractors, Tarunesh Sahu and Anu Batra were engaged by Greythorn?---That's right.

Thank you, Commissioner.

THE COMMISSIONER: Does anyone else have any questions to Ms Marshall? No. Anything arising Mr Hunt, no?

40

MR HUNT: No, thank you, Commissioner.

THE COMMISSIONER: Thank you, Ms Marshall. You may step down, you're excused.

THE WITNESS EXCUSED

[12.23]

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Niall O'Rourke, please, Commissioner.

THE COMMISSIONER: Just come forward Mr O'Rourke. Ms Roughley, do I take it that you've told your client about the availability of the section 38 order?

10 MS ROUGHLEY: I have, Commissioner. Mr O'Rourke will seek that declaration and he will also be making an affirmation.

THE COMMISSIONER: Thank you. Mr O'Rourke could I just confirm with you that you understand that the order protects you from the use of your answers against you in civil and criminal proceedings but it doesn't protect you if it should be found that you've given false or misleading evidence. Do you understand that?

MR O'ROURKE: Yes.

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

40 THE COMMISSIONER: Could we have the witness affirmed, please.

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Is your name Niall O'Rourke?---Yes.

And do you remain employed by Michael Page?---Yes.

10 And what's your role?---Associate Director.

THE COMMISSIONER: I'm sorry, what was that?---Associate Director.

MR HUNT: Associate Director.

THE COMMISSIONER: Associate Director.

MR HUNT: And what does that mean?---So I look after our New South
Wales technology business.

20

And when you say "look after the technology business", could you explain
what that means?---Manage different teams within the New South Wales
technology area.

Does that mean that you in terms of the organisation have become elevated
from being a recruitment consultant to being somebody who manages - - -?-
--Correct.

- - - groups that include recruitment consultants?---(No Audible Reply).

30

Can I show you a document, please, Mr O'Rourke. What is that
document?---It's a conversation between Michael Page Consultants and
Sean McNulty.

All right. Let's try again. What is the document rather than what the
document records?---So it's screen shots from our system.

All right. And that's relative to the investigation that the Commission is
undertaking?---Yes.

40

Did you understand that Michael Page was required to produce relevant
documentation to the Commission in relation to this matter?---Yes.

Can you explain to the Commissioner why it was that this document is now
provided and wasn't provided when there was a statutory demand?---Yeah.
So the searches that we obviously would have run were in relation to Jason
Meeth and the candidates and then it wasn't until I saw the witness

statement that I'd seen Sean McNulty on it and then realised that there was going to be information here with Sean McNulty.

I see. And was it when you realised that there might be some relevance to the terms of the conversation had that Mr McNulty said that he had with you that there was a search for this document?---Yes.

You've prepared a statement to assist the Commission dated 14 October this year?---Yes.

10

Is that statement true and correct?---(No Audible Reply).

When you nod - - -?---Yes.

- - - can you just say yes for the record?---Yes.

Is there anything you want to alter in the statement?---No.

Would you explain with – I tender the extract from the system.

20

THE COMMISSIONER: Yes. That will be Exhibit E6.

#EXHIBIT E6 - EXTRACT TITLED MICHAEL PAGE – FILE NOTES WITH UNIVERSITY OF SYDNEY (SEAN McNULTY)

MR HUNT: And just a little bit more on that. Is the position that there's a system at Michael Page designed to collect electronically file notes about attendances, whether they're personal attendances, telephone attendances and the like?---Yes.

30

With having reference to your electronic note, could you tell the Commissioner the context of the conversation that you had with Mr McNulty about concerns about Lynette Morris's pay and some questions that he had attaching to margin and the like, please?---Yeah. So when we went to meet with Sean McNulty, the conversation did come up around whether or not we thought Jason Meeth knew of Canberra Solutions. And I explained to him, yes, he would most definitely have to know about Canberra Solutions. He then asked me to go back and search on my side, which I did and then I went back to him on - - -

40

On the same day it looks like?---18 June, yes, correct. To advise him that, yes, there would've been, he would've been made aware of Canberra Solutions, he had to have known about Canberra Solutions.

And why were you able to say that, that is why were you able to be confident that Jason Meeth would have known about Canberra Solutions?

---Because there was going to be conversations between Canberra Solutions, Michael Page and Jason Meeth when the candidates would be put forward.

And can you tell the Commissioner when it was that – I withdraw that. Did you have a pre-existing relationship with Jason Meeth on behalf of Michael Page before there was anything that involved Canberra Solutions or candidates from Canberra Solutions?---No.

10 Had you – so you hadn't proposed candidates for consideration on behalf of Michael Page to Mr Meeth?---No. One of our consultants went to meet with Mr Meeth as he was head of projects and that's where that relationship stemmed from.

All right. And just tell the Commissioner if you would what contact you had with Jason Meeth that related particularly to Canberra Solutions and his knowledge about that company?---So it was when one of the consultants who was out of the office, Jason wanted information from Michael Page and I had sent that information back to Jason from that consultant's email address.

20

And that consultant was?---Ryan Arthurs.

All right. And was it Mr Arthurs that had the principal relationship with Meeth on behalf of Michael Page?---Yes.

30 And are you able to say what it is that you or anyone else for Michael Page did in terms of Canberra Solutions' candidates in terms of assessing their suitability or reviewing their curriculum vitae or resume in advance of their names being proposed for consideration for contracting positions at the University?---No. Back then, no, but now having gone through our system the correct protocol wasn't followed around meeting these candidates.

40 Could you just in a nutshell, perhaps you've heard Ms Marshall give evidence, just in a nutshell describe what – and this isn't a pitching opportunity – describe what it is that Michael Page would do with its own potential candidate for a Government or a semi-Government job in terms of screening and assessment?---Yeah, so it would be an initial telephone conversation and off the back of that if they were strong enough it would be a face-to-face conversation to a formal interview and then you'd make a decision whether or not they would be finally shortlisted.

And is there any formal checking of things that are on the resume, looking at certified copies of degrees or anything like that?---No, unless the clients would request specifically to look at a degree qualification.

Or I assume if there's a candidate that presents in a way that give you pause about legitimacy of something or something doesn't quite make sense in terms of the resume?---We might look ourselves, yes.

All right. And the combined time spent in phone screening and then an interview if one happens, how long in time would one of Michael Page's consultants spend with a would-be candidate?---Between 30 to 40 minutes all-up.

All right. And then I assume if – is there any exercise in terms of preparing them for interview?---You could have a quick five-minute conversation.

10 All right. And any reference checking is done after they're either selected or on a shortlist?---Yes.

Right. And to the extent that you say proper procedures weren't followed with the Canberra Solutions candidates, is the reality that none of that happened with candidates that Michael Page put forward?---Yes.

And were they effectively, they had the Michael Page badge if you like but they were for all intents and purposes in terms of screening and preparation, verification, all that was down to Canberra Solutions?---Yes.

20

And did you, did you have your own conversations with anyone from Canberra Solutions about their schedule of recompense from these candidates if they were placed in contracts?---Sorry, what would you, what do you mean by that?

How much were they getting out of it, their margin?---No.

None at all?---No.

30 Would that sometimes happen?---Not really, no.

All right. We've, we've seen some – I don't know whether you were in the hearing room, we've seen some sheets of different C100 providers where they set out certain information and they disclose subcontractors. Is that something that Michael Page does from time to time or did from time to time when they were a C100 accredited recruiter, was to disclose subcontractors on a form like that?---So where I would show the subcontractor the initial agreement?

40 No. Do you know the document I'm talking about? I'll just show you an example of it in fairness, Mr Page, because I'm told by Ms Roughley and accept that Mr O'Rourke wasn't in the hearing room when we undertook that exercise.

THE COMMISSIONER: Mmm.

MR HUNT: Just if the witness could first of all be shown volume 2, page 1. Do you see that that's – I'm going to show you something that's attached to

the back of that which is the C100 contract guide. One of the advantages of the C100 is that there's a standardised contract arrangement in terms of Government contracts. Correct?---Yes.

And then could we go to first page 18, you'll see here that there's an example of first Michael Page and then alongside it Paxus and there's certain supplier notices in terms of categories and the like?---Yeah.

10 And then below that there's a place to disclose subcontractors and you see nil there for Michael Page and also for Paxus. And then if we go to the next page there's an example where there's Peoplebank and Quay Appointments, you'll see that there are disclosed subcontractors on each of those forms. Were you aware of the possibility of Michael Page nominating and disclosing subcontractors?---No.

You're saying you weren't even aware of that possibility?---I wouldn't have seen this before, no.

20 Were you aware that there was a mechanism where you could – an organisation like Michael Page as a C100 provider could provide an umbrella service for a subcontractor - - -?---Yes.

- - - and accordingly receive a reduced margin because you're doing less of the - - -?---Yeah.

- - - front-end work in terms of recruitment?---Yes.

30 You'd accept that in this arrangement that this in the way that things operated practicably for Michael Page in relation to candidates put forward to the University of Sydney that were in truth Canberra Solutions candidates, that it was a financially beneficial thing in terms of the margin on appointment, if they were appointed?---Yes.

And that was because effectively the margin was designed to attract the kind of Rolls Royce service that Michael Page candidates get - - -?---Yes.

- - - and that the University gets but that wasn't happening in this case?
---Correct.

40 Did Michael Page have any contact pre-interview with any of the Canberra Solutions candidates that were put forward?---Not that I'm aware of.

And apart from anything that was to do with worksheet generation or storage, despatch and the like, was there any other contact with them after appointment if they got a contract?---Unless there was a timesheet issue that would probably be the only contact.

Sorry, I missed something?---Unless there was a timesheet issue, that would be the only - - -

So that would be just that kind of back office thing?---Yes.

10 And, and what about if there was a rolling over of a contract, would – what sort of involvement would Michael Page have then with - - -?---We'd get the go-ahead from the hiring manager or the line manager and then we'd inform the candidate were they happy to accept it and we just put it through on our system.

All right. Excuse me a moment, Commissioner.

Now I think you understand that Mr McNulty contends that you told him that Michael Page being involved in the Canberra Solutions mechanism was done as a favour to Jason Meeth, that's your understanding?---Correct.

20 Do you agree with that, that you said that to McNulty?---When I mean a favour I mean he would have come to us as a C100 provider.

And, and why would you then do what you did? Can you just explain that to the Commissioner?---(No Audible Reply)

So are you saying that because a C100 client, a client who needs a C100 accredited provider to put forward candidates that Mr Meeth contacted Michael Page to ask for that service and that you elected to do it so that he could consider candidates that would otherwise not have come before him, is that - - -?---Yeah.

30 - - - the nett of it? And how did that happen in terms of how did that come to be your understanding that that's what Jason Meeth wanted?---It was from that relationship that would have stemmed, that Ryan Arthurs had built up with Jason Meeth.

40 All right. So did Ryan say things to you so that you knew that?---No. It was, it was common thing so when you're meeting with clients you're going to ask them for their business and if a client is going to be able to come to you and give you those candidates it makes your life as a recruiter a whole lot easier.

Right. So I'm just trying to understand whether when you said to Mr McNulty – well, first of all you agree that you said something to Mr McNulty that would have enabled him to have the impression that your view was that this was being done as a favour for Jason Meeth?---Yeah.

Whether it was those exact words or not, can you remember what the words were that you used to Mr McNulty about that conversation?---No.

All right. Do I understand you to be saying that you hadn't heard it directly from Ryan Arthurs but you just, what, assumed because Ryan was prepared to put forward Canberra Solutions candidates to Mr Meeth without the usual vetting that that was because the client had asked for that to happen?

---Correct.

10 Would that be something that Michael Page would generally do if, if a Canberra Solutions type outfit said will you wrap our candidates with your logo and put them forward, would Michael Page usually do that?---It wouldn't be usual but it wouldn't be uncommon. It would happen.

And what would be the benefit to Michael Page in that situation, just a flow of - - -?---We can get the position filled a whole lot quicker.

And, and if you do that in a non, I'm doing this for Mr Meeth sense, do you expect that the quality of candidates is going to meet the job requirement?

---You would do, yes.

20 And do you either consider it the case yourself or had it communicated explicitly or implicitly to you from Ryan Arthurs that apart from this being a benefit to Mr Meeth that there might be a disadvantage flowing to Michael Page if you didn't do it, that is some commercial detriment?---Well, in the position that Mr Meeth was in, he was head of projects so if we weren't going to facilitate him the likelihood is that we weren't going to get the opportunity work on any other positions.

30 So putting, putting it another way did you – what was your view about your own candidates being – I'll withdraw that. What was your view about it being a reality that Michael Page could put forward its own candidates if it didn't cooperate in relation to Canberra Solutions' candidates?---We, we could have put them forward but the likelihood is they weren't going to be successful if there was a Canberra Solutions candidate in the mix.

All right. Have you reviewed the records in such a way that you can work out whether Michael Page ever put up its own candidate against a Canberra Solutions candidate?---No.

No, you haven't or no there wasn't?---I haven't reviewed to see.

40 All right. Could the witness be shown Exhibit E2 please. Of that list which of those candidates did Michael Page propose?---The first three, so that's Anthony Azrak, Alexis Voronova and Lynette Morris.

And were they the only Canberra Solutions candidates that Michael Page put up?---As far as I'm aware, yes.

And they all got appointed?---Correct.

And do you have any intelligence on putting to one side Canberra Solutions' candidates how many Michael Page candidates were put up for consideration for contracts while Jason Meeth was head of projects?---No.

Anecdotally any idea?---No.

Would you be able to comment as to whether the balance of your candidacy had 100 per cent success rate in terms of conversion from interview to contract?---I would imagine so, yes.

10

You'd imagine that would be the case?---That if they were sent they were going to get the position.

I don't know if you're understanding - - -

THE COMMISSIONER: I think – yeah.

MR HUNT: I'm saying put to one side Canberra Solutions?---Yes.

20

The rest of your cohort, of all the people that you put up for interview that got an interview that weren't Canberra Solutions people, did all of them in that period get contracts?---Not that I'm aware of.

It's statistically unlikely in your experience, is that fair to say?---Correct.

This whole – I just want to return for a moment to this notion of a favour to Mr Meeth, I know that was your language or the sense of what you were conveying to Mr McNulty but was that what had been conveyed to you by Mr Arthurs in effect that it was a favour to Mr Meeth?---No, that would have been just my language.

30

Your language. So what you'd understood from Ryan Arthurs was that Meeth had communicated to him that he had candidates that he wanted to be able to consider that he couldn't consider yet because the agency representing them was not a C100 provider?---Correct.

Did you understand back then that this was some exclusive opportunity that was being offered to Michael Page, that Ryan Arthurs had been invited to put forward all the Canberra Solutions - - -?---No.

40

All right. You didn't have a view or information about that at all, is that fair?---Yes.

Could it be that you've ever denied using the word favour?---When I say the word favour I mean I'm referring to as in if a client comes to us and asks us to put these candidates through, that would be the favour because we are an accredited provider.

THE COMMISSIONER: You mean you're accommodating the client?
---Correct.

MR HUNT: Yeah, you're accommodating them, what you're suggesting is you're accommodating them in some kind of commercial way without from your point of view the favour incorporating the idea of something improper?
---Correct.

Is that what you say?---Yes.

10

So that if you've past denied the idea of it being a favour it's that characterisation that something – that from Michael Page's point of view was thought to be wrong whatever Mr Meeth's motivations?---So when I hear the word "favour" automatically I think I will be getting something in return as well. But my meaning of that favour comment was he was coming to us because we were on the panel.

Well you were getting something in return as the organisation, weren't you, which was - - -?---The margin.

20

- - - a ready flow of candidates that all seemed to get contracts?---Yeah.

Yes. That's the examination, Commissioner.

THE COMMISSIONER: Anyone has some questions of Mr O'Rourke?

MS ROUGHLEY: I do, Commissioner, if no one else is going to ask questions.

30 THE COMMISSIONER: Yes, go ahead. Yes, Ms Roughley?

MS ROUGHLEY: Just a couple of in clarification. Mr O'Rourke, you were asked some questions by Counsel Assisting where Counsel Assisting said words to the effect of "why did you do this" and I understood sometimes that language of you was being used to refer to Michael Page. I'm going to ask you some questions to clarify your direct knowledge of what was going on and your direct involvement in events. These – when Mr Arthurs was communicating with Mr Meeth about the placement of certain candidates that came from Canberra Solutions did you yourself have any
40 knowledge of those communications?---No.

Did you at that time have any knowledge of Canberra Solutions?---At the time, no.

Did you at the time have any knowledge of communications between Michael Page and Canberra Solutions?---No.

Can I then move forward to June, about June 2013 when you had a meeting with Sean McNulty from the University of Sydney. It was around, sorry. Let me ask that question again. When did you first hear of Canberra Solutions?---From what I recollect I think it was when there was an issue with an invoice for Lynette Morris.

And can you be more specific about the timing of that, what year are we talking about?---It would have been 2013.

10 And can you be specific as to around the month this might have arisen?---
No.

Do you remember who the query came from?---I think it was Jason.

Jason Meeth that is?---Yes. And then I would have got in contact with Balu.

20 When did Mr Arthurs, sorry. Is Mr Arthurs still employed by Michael Page?---No.

When did Mr Arthurs leave Michael Page?---I think February, 2013.

In June, 2013, you met with Sean McNulty to discuss a number of issues one of which was placements that according to the file notes there's placements made by Ryan in the past and that concerned Canberra Solutions. Did you discuss with Ryan Arthurs at this time anything about, sorry. Let me rephrase that. Did you have any discussions with Ryan Arthurs at this time?---No.

30 Given your answer to me, to my question before was that you weren't involved when the placements were being made and you had no direct knowledge of them and you have not, according to your answer just then, talked to Mr Arthurs in June, 2013, when Mr McNulty is raising questions about Canberra Solutions and these placements. How did you come to have any knowledge about these events?---Because obviously Ryan had left Michael Page at that stage so I had to do a bit of investigation in our systems to what was actually going on.

40 So what did you do?---I looked at where the candidates had come from, invoice trails between Michael Page and Canberra Solutions.

So when you were giving evidence – when you were giving answers in response to Counsel Assisting's questions before about what had happened back in 2012 was that entirely reconstruction by you based on the documents you've seen?---On the documents I've, seen yes.

And those are the documents you saw around June, 2013 when questions were raised?---Correct.

Nothing further, Commissioner.

THE COMMISSIONER: Thank you, Ms Roughley. Anything arising?

MR HUNT: Nothing arises from that, Commissioner.

THE COMMISSIONER: Thank you, Mr O'Rourke. You may step down. You're excused. That might be an appropriate time - - -

10

MR GRIFFIN: Can I just raise one matter - - -

THE COMMISSIONER: Yes, Mr Griffin.

MR GRIFFIN: - - - before the witness goes.

MR HUNT: There is a matter arising, Thank you.

20

THE COMMISSIONER: Sorry, Mr O'Rourke. You're not off the hook yet. You'll have to come back.

MR HUNT: Back on the hook. Could the witness be shown – this does arise from Ms Roughley's cross-examination.

THE COMMISSIONER: Yes.

MR HUNT: Volume 3, page 77. Just check this if you would please, Mr O'Rourke. At the top what is seen is an email from yourself to Jason Meeth?---Yeah.

30

And you say in effect that you're sending it from Ryan's email because he's out of the office?---Correct.

And then below is an email from Ryan Arthurs to Jason Meeth that expressly deals with Canberra Solutions. In the fifth paragraph, as you were dealing with Canberra Solutions for both candidates, et cetera. I'm assuming you saw that at the time that you sent it?---Yes.

40

And that seems to be slightly at odds with the evidence that you've just given that you didn't have any knowledge?---I wouldn't have taken any notice. So when I'm actioning someone in my team's email with information I will just send what the request would be. I wouldn't have taken notice of Jason Meeth or Canberra Solutions.

And even when things came to pass the next year that created concerns that didn't shake your memory about this?---(No Audible Reply)

All right. Nothing further.

THE COMMISSIONER: Anything, Ms Roughley? No.

MS ROUGHLEY: No, Commissioner.

THE COMMISSIONER: Yes, thank you, Mr O'Rourke. You may step down. We'll take the luncheon adjournment. Resume at 2 o'clock. Thank you.

10

THE WITNESS EXCUSED

[12.57pm]

LUNCHEON ADJOURNMENT

[12.57pm]