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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION ELGAR

Reference: Operation E14/1551

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 12 NOVEMBER, 2015

AT 10.02AM

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

THE COMMISSIONER: Yes. Yes, Mr Hunt.

MR HUNT: Good morning, Commissioner. The first witness is Balu Moothedath.

THE COMMISSIONER: Yes. Mr Moothedath, could you come forward please. Just take a seat. Mr Moothedath, are you represented today?

MR MOOTHEDATH: No.

10

THE COMMISSIONER: No. All right. I need to explain to you something about the procedure that we follow. You are obliged to answer questions truthfully and you must do so even if the answers might incriminate you in some form of wrongdoing. Because you do not have the option of refusing to answer a question you could object to each and every question as it is asked and in that way your answers couldn't be used against you in civil or criminal proceedings. I can make an order under the Act which operates as a blanket objection so it relieves you of the obligation to object to each and every question and by making that order your answers can't be used against you in civil or criminal proceedings but the order doesn't protect you if it should be found that you've given false or misleading evidence to the Commission because in those circumstances your answers could be used against you for the purposes of a prosecution under the Act which carries a custodial penalty. Do you understand that?

20

MR MOOTHEDATH: Yeah.

THE COMMISSIONER: Right. Do you wish to take advantage of the order?

30

MR MOOTHEDATH: Yeah.

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 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

**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: Now do you wish to be sworn or affirmed,  
Mr Moothedath?

MR MOOTHEDATH: Affirmed.

10

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

THE COMMISSIONER: Thank you. Just take a seat. Yes, Mr Hunt.

MR HUNT: Thank you. What's your full name?---Balu Moothedath.

And how do you spell your surname?---M-o-o-t-h-e-d-a-t-h.

10 And in what corporate entity do you now operate?---I work for my – I am self-employed and it's a company called AVA, A-V-A.

And is that a proprietary limited company?---Yes, yes.

And do you still have any involvement at all with Canberra Solutions Pty Ltd?---Other than this particular matter no.

So Canberra Solutions Pty Ltd isn't doing any commercial work now. Is that what you're saying?---No.

20

Is that right?---(No Audible Reply)

THE COMMISSIONER: You mean that's correct, Canberra Solutions is no longer operating?---No, it is operating.

It is operating?---Yeah, it is. As a business it's operating but I no longer have any, anything to do with Canberra Solutions.

30 MR HUNT: Well, who runs that?---At the moment I think, you know, not much is happening.

THE COMMISSIONER: No, no, that wasn't the question.

MR HUNT: Who runs Canberra Solutions Pty Ltd if you don't have anything to do with it?---At the moment my wife, you know, she is the director.

And is she the person that is doing any work pursuing the business of Canberra Solutions Pty Ltd now?---Is she the one, yes.

40

Is anyone else other than you wife working or do business for Canberra Solutions - - -?---No.

- - - now?---No.

When did you cease having any role with Canberra Solutions Pty Ltd?  
---That was last year I think.

When last year?---June, June, 2014.

June, 2014 - - -?---Yeah.

- - - you ceased having any involvement with Canberra Solutions - - -?  
---Yeah.

- - - Pty Ltd - - -?---Yeah.

10 - - - as an employee or otherwise?---Yeah.

Before that date you and your wife both undertook activities on behalf of Canberra Solutions Pty Ltd. Correct?---Yes.

She was a director but you both undertook tasks for that company?---Yeah.

And from – when did that company commence operation?---In 2010.

20 And from 2010 until June, 2014 you and your wife each undertook functions for that company. Correct?---Yeah, yeah.

THE COMMISSIONER: Could I just clarify something, Mr Moothedath. Your wife is the director of Canberra Solutions. Does it have any shareholders?---She is the shareholder.

So she's the sole shareholder?---Yeah.

And the sole director?---Yeah.

30 And no – there is no other person occupying any office in relation to Canberra Solutions?---No.

MR HUNT: And that has been the case ever since it first started operating? ---Yeah.

Putting to one side your involvement as an employee, Sonata Madambikat Devadas has always been the sole director?---Yeah.

40 And Sonata Madambikat Devadas has always been the sole shareholder? ---Yeah.

And apart from when you would work doing some functions as an employee it was only yourself or Sonata that had any involvement in running that company. Correct?---Yeah.

All right. Now, did – in 2015 – I withdraw that. When did you first become aware that this Commission was investigating matters concerning contracts and the University of Sydney?---When Simon called me.

And when was that?---I think it was like three months ago. Something like that I can't remember exactly.

And so you're saying the very first time that Mr Berry, investigator of the Commission, contact you that's the first time you knew anything about it?  
---Yeah.

10 And would you tell the Commissioner which contractors you have contacted since you have been aware that the Commission is investigating the matter?  
---Can you detail that question again.

All right. I'll do it slightly differently. Can you tell the Commissioner, whether by telephone, email, or personal contact which contractors that Canberra Solutions Pty Ltd assisted to place under contract at University, the University of Sydney, you have been in contact with since you became aware that ICAC was investigating?---I, I speak with all the contractors on and off and I didn't tell that you know, they're investigating or anything like that so - - -

20

All right. You are saying that you have contact from time to time with all of the contractors that you've placed for the University of Sydney?---Yes, yeah.

And you are saying, are you, that in terms of that occasional contact it hasn't involved any discussion of ICAC's activities. Is that what you're saying?---Yeah.

30 Okay. I just – I'm going to say names and you can tell the Commissioner whether you have been in touch with these people since you became – since you first had your first conversation with Mr Berry earlier this year?---Yeah.

Do you understand that?---(No Audible Reply).

Bear with me a moment, Commissioner.

40 THE COMMISSIONER: So Mr Moothedath, whatever, whatever discussions you've had with the contractors you maintain that none of those contractors were made aware through you that ICAC was investigating this matter?---Yeah.

Is that what you say?---Yeah.

MR HUNT: Do you agree that 19 June, 2015, and this is the first time that Mr Berry had any contact with you?---I think so, I don't know the exact - - -

Do you accept that date?---Yeah. It might be around that time, yeah.

All right. And following on from the Commissioner's question, do you maintain that any conversation that you had had with a contractor since 19 June, 2015, has not involved any discussion about the ICAC investigation?--  
-Yeah.

When you say "Yeah", does that mean you are saying that no conversations with any contractors since 19 June, 2015, have included any discussion - - -  
?---They have called me - - -

10 - - - of the ICAC's activities?---They have called me saying that, you know, they've been called as a witness and why is that that, they have called, some of them have called me.

THE COMMISSIONER: Well, Mr Moothedath - - -?---Yeah. But I haven't done - told, that, you know this is some ICAC inquiry or something or that, sir. They have called me.

20 Well, but, just a minute, just a minute. A moment ago I thought you said quite clearly that you had spoken with all of the contractors but there were no discussions about ICAC investigating this matter. Now you're saying there were discussions?---No. Some of them have called me saying that, you know, they've called in relation to Canberra Solutions and you know, ICAC is asking us to be there and then you know, all that, so what is happening? So they have called me from that same point. So what I was trying to say was, I haven't, you know, told them, "Okay, there is this inquiry happening", or you know, they should be knowing about it or whatever. I haven't told them.

30 MR HUNT: And you, you haven't told anyone at all what to say to ICAC investigators. Is that what you say?---Yeah.

And you haven't told anyone at all what to say to the Commission if called to give evidence to the Commission?---No.

Have you met with Pranav Shanker about the ICAC investigation?---Yeah. I actually bumped into him in North Sydney and then we were, we had a chat and then you know, so - - -

40 When you say "I bumped into him in North Sydney" are you suggesting a chance meeting?---Yeah.

When you say "We had a chat" was that a chat about the ICAC investigation?---No.

No?---No.

How long was the chat that you had with Mr Shanker when you bumped into him in North Sydney?---Maybe – I can't remember the minutes, I don't really know, or the time.

Two minutes?---Not two minutes.

Well, how long?---A couple of minutes.

10 When you say a couple of minutes what is the longest period of time that you could have had a chat with Mr Shanker when you bumped into him?  
---I can't remember how much, how many minutes was it.

Well, when you say a couple of minutes are you saying less than five for example?---Yeah, maybe, maybe less than five, I can't remember as I say how many minutes, I didn't really - - -

Well, what's the most length of time that you could have chatted to Mr Shanker when you bumped into him in North Sydney?

20 THE COMMISSIONER: Are we talking less than 15 minutes, less than 10 minutes or something less than that?---Yeah, as I said I didn't really look at my watch, you know, how many minutes was it, you know, so - - -

Well - - -

MR HUNT: Mr Moothedath, I'm sorry to interrupt.

30 THE COMMISSIONER: No, no, no, I was just going to say 15 minutes is quarter of an hour isn't it?---Yeah.

Would it have been as long as 15 minutes?---It, it might be, yeah.

Could it have been as long as 30 minutes, half an hour?---No, no, I don't think so.

No?---Maybe - - -

40 So something around the order of 15 minutes but less than half an hour?  
---Yeah.

Right.

MR HUNT: So when you say to the Commissioner initially a couple of minutes the Commissioner should expect that your answer could vary, if we're talking about times, by up to 13 minutes if you say to her I spoke to somebody for a couple of minutes, is that what you're saying?---Yeah, I don't know, you see, I didn't, as I said I didn't look at my watch, you know, how many minutes was it so - - -



All right. It wasn't a long conversation in any event, correct?---I don't think so it was a long conversation, no.

All right. I just want to understand something before we go on about phone numbers. There's a number of phone numbers that you or your wife use, correct, telephone numbers?---Yeah.

10 So there's a number [REDACTED] you know that number?---What is it? 0?

[REDACTED]?---Yeah, that is an old number.

All right. Is that a number that you used or Sonata used or you both used? ---That I used.

All right. A number [REDACTED], do you know that number?---That's mostly given to my son - - -

20 All right?---- - - - but we interchange it, you know, sometimes it can be with my son, sometimes it can be my wife.

All right. But when your son's not using it do you use it or does Sonata use it?---Ah, I use it at times or my wife use it.

So that one is what's shared between you?---Yeah.

30 And what about in 2012/2013, was it shared between you?---Yeah, all along we share the phone numbers.

All right. But the phone number that ends [REDACTED] was principally your phone number, is that right?---Yeah, that was my, yeah, that was principally mine but at times, you know, she, she can also make calls, you know.

And what about a number [REDACTED], I think that's a number that was registered in your name, correct?---Ah, [REDACTED]?

40 [REDACTED]. I can't remember. It might be, it might be one of those numbers that I might have taken.

All right. Well, I suggest that that was a Vodafone prepaid number registered in your name?---Yeah.

All right. At relevant times in 2012/2013 were you resident at [REDACTED] [REDACTED] ---Yeah.

And did Canberra Solutions Pty Ltd operate from those premises?---Yeah.

Did Canberra Solutions Pty Ltd have any other premises apart from [REDACTED] [REDACTED]?---Yeah, it has a serviced office in the city.

What address is that?---I think it is 44 Market Street.

All right. And in 2012/2013 did that company operate from that address as well?---Yeah, I think so. And I don't know the exact timing. You know, we had that until last year I think.

10 All right. And in this year - - -?---Yeah.

- - - do you still live at [REDACTED]?---Yeah.

And did you do so on 29 June this year?---29 June did we live in that place?

Yes?---Yeah, yeah.

All right. And 29 June this year is the year that investigators came to interview your wife at your premises?---Yeah.

20

You know that don't you?---Yeah.

And were you there in those premises that day while she was being interviewed?---The day I was interviewed?

No. The day Sonata was interviewed on 29 June at the Longueville premises - - -?---Yeah.

- - - were you there?---Yes, I was there.

30

You were in the premises - - -?---Yeah, yeah.

- - - although you weren't in on the interview. Is that right?---I was, yeah, I, I was, yeah.

But you knew that Sonata was going to be interviewed?---Yeah.

And I presume you knew after she was interviewed what she'd told the investigators?---After she - I didn't get that question.

40

I assume - - -?---Yeah.

- - - that after the investigators left - - -?---Yeah.

- - - that Sonata told you what she had been asked and what she had answered. Correct?---She didn't say like, you know, what she was asked or what - she said they have been, you know, asking all sort of questions.

So you weren't interested in what she had been asked. Is that what you're saying?---No, no. I – it's not that I wasn't interested. She's just saying that why, why were they asking all these questions to me. You know, like, that's - - -

THE COMMISSIONER: Mr Moothedath, this is ten days after you were interviewed by an ICAC investigator?---Yeah.

10 And so you were asked similar questions, that is about Canberra Solutions and various contractors?---Yeah.

Well, when your wife was interviewed and she said to you they're asking me all these questions, did you ascertain that the questions they were asking her were in the same vein as the questions they were asking you, other words, they were asking her about the same thing, Canberra Solutions?---Yeah. See I don't remember anything asking like, you know, a specific question. She said they were asking - - -

20 Mr Moothedath - - -?---Yeah.

- - - it's a very straightforward question?---Yeah.

After your wife was interviewed on 29 June and she said to you they're asking me all these questions, you no doubt told her or sought from her the nature of the questions that were asked and you ascertained that they were asking her questions about Canberra Solutions. Is that right or is it not right?---Yeah, she, she said that they are asking about, questions about Canberra Solutions and, you know, she has nothing to do with it.

30 Right. Thank you?---Yeah. And, you know - - -

I just wanted to know - - -?---Yeah.

- - - that you understood that she was being asked about Canberra Solutions?---Yeah.

You knew that?---Yeah.

40 Thank you.

MR HUNT: And did you let the ICAC investigators know that you were at home the day they came to interview your wife?---Did I – I didn't, I didn't meet them.

No, you - - -?---Because my son was there.

So you kept out of the way did you?---Yeah.

Is there any reason for that?---I have to take care of my son so it was the school holidays so, you know, I have to take care of him.

All right. How old was he then?---He's in year 5, 10 years old.

All right. Now, just going back to the day that you met Mr Shanker accidentally or bumped into him in North Sydney, have you got a memory of that day now?---Some slight memory, yeah.

10 All right. Because you, you must have a general memory of the day - - -?  
---Yeah.

- - - because you remember bumping into Mr Shanker?---Yeah.

Right. So what had you been doing earlier on the day that you bumped into Mr Shanker?---I, I can't remember what I was doing earlier in the day.

When you say you bumped into him how long had it been since you'd been in touch with Mr Shanker before that day?---I, I don't remember how, how  
20 long I have been in touch with Mr - - -

Well, roughly. Months, weeks, days?---It can be months I think, yeah.

All right. And I assume that you didn't talk to him earlier on that day that you say you bumped into him?---I can't remember, whether I did talk to him.

Well, Mr Moothedath, think about it, you're saying to the Commissioner on your affirmation that you bumped into this man?---Yeah.  
30

You wouldn't have bumped into if you'd been talking to him earlier on the day?---Yeah.

Correct? Did you talk to him earlier that day on the telephone?---No, I, I bumped into him in North Sydney and he said we'll, we'll catch up because I don't have time, I have to go for some errands or something so he said I'll, we'll have a chat but I, I have to do something then he came back and we like - - -

40 All right. And when did you catch up with him? Did you catch up with him?---Yeah, later.

When?---No, no, that same, the same day when we bumped, he said, you know, hello and then so, so how, how is everything and all that so he's like, you know, I'll just, we'll go and have a chat so, so - - -

All right. So you bumped into him and then you had a longer chat that might have been up to 15 minutes long - - -?---Yeah.

- - - later in the day?---Yeah. No, no, the same I think, maybe after half an hour or one hour or whatever.

All right. Do you understand the concept of what later in the day means?

---No.

All right. So you bumped into him?---Yeah.

10 Saw him quickly, not even a minute - - -?---Yeah.

- - - and then later, an hour or so later, you saw him and you met him and talked to him for up to about 15 minutes, is that your evidence?---Yeah, something like that.

All right.

THE COMMISSIONER: And that was still in North Sydney was it?

---Yeah, yeah.

20

MR HUNT: And where did you have your chat for up to 15 minutes, on the street, in a café, what was the context?---I think we were, I think we were just outside, we were just near, you know, Miller Street somewhere.

All right. Is that near Green Point (as said)?---Yeah, yeah, Green Point I think.

I just want to ask you about one more telephone number please, Mr Moothedath, [REDACTED]?---Yeah.

30

Is that a number that you used or Sonata used or you both used?---Yeah, it's - I think you know we both use it, it's not that, you know, we use a particular telephone.

All right. Is that number more regularly used by one member of the household or not?---Not, not, even sometimes my son also, you know, takes that phone.

40 All right. Could the witness please be shown page 67 of volume 17, Commissioner.

Just have a look at this document, sir, this is a document that is a profit and loss statement for the financial year ending 30 June, 2013. Do you understand that, for Canberra Solutions?---Yeah.

Do you see that? I just want to ascertain a couple of things about this, Lynette Morris, I'm just looking at the wages section, can we start with Lynette Morris?---Yeah.

She was a contractor contracted to the University of Sydney that you had some involvement with, correct?---Yeah.

And who was she contracted through, that is which C100 company was she contracted through?---I, I can't remember which company.

All right. Anu Batra, was she a contractor?---Yeah.

10 Was she contracted through Canberra Solutions?---Yeah.

And which C100 company was she contracted through?---I think she was Greythorn.

All right. And which agent there?---No, I - - -

Which agent with Greythorn?---Davina.

Davina Marshall?---Yeah.

20

All right. Pranav Shanker, that's a name you know, isn't it?---Yeah.

He was a contractor?---Yeah.

Who was he contracted through?---Shanker is Paxus.

And which agent with Paxus?---Samuel.

Sam?---Samuel.

30

Samuel?---Yeah.

Samuel Williams?---Yeah.

All right. And Dhawal Parekh, is he a contractor, was he contracted through your company to the University of Sydney?---Yeah.

And which C100 agency represented him?---I think it's Paxus.

40 And which agent at Paxus?---I think it's Samuel.

And Tony Azrak, is he a contractor?---Yeah.

Was he a contractor at the relevant time?---Yeah.

And which agent represented him?---I think it was like Michael Page, I think, Michael Page.

Michael Page. Which agent with Michael Page?---I can't remember, I think you know, it was some Ryan something.

Ryan Arthurs?---Yeah, I think, yeah.

All right. Alex Voronova?---Yeah.

Was that, was she a contractor?---Yeah.

10 To the Sydney University?---Yes.

Contracted through Canberra Solutions?---Yes.

Which C100 company?---Yeah.

Which C100 company, it's a question?---Yeah. I think it's the same, Michael Page.

20 Which agent?---It might be the same, same agent.

All right. Wages Sonata, does that mean wages paid to Sonata Madambikat Devadas?---Yeah.

She was paid \$105,000. She must've had a significant role with the company to be attracting those kind of wages. Correct?---No.

No?---No. She was just a signatory.

30 She didn't have a significant role?---Yeah. She was just a signatory.

And the company paid her \$105,000 to sign documents, is that what you're saying?---She was the director of the company.

Are you saying that the company paid her \$105,000 to sign documents only?---Yeah.

Now you were paid \$7,000?---Yeah.

40 I understood your position to be that you did the lion's share of the work for Canberra Solutions Pty Ltd?---Yes.

You did?---Yeah.

For \$7,000 annual income?---No. It was the accountant who puts the things in, so it's not us who decides, you know, how it will be, who will and what wages.

All right. Pooja Naik, was she a contractors?---Yeah.

She was a contractor?---Yeah.

And Nihan Namidnumdeo (as spoken) was she a contractor?---Which one is that?

If you look five entries from the bottom, other employers expenses, oh - - - ?---Yeah. Nidhi.

10 Adhisakthi, she was an contractor, wasn't she?---Yeah.

Through the University, contracted to the University of Sydney?---Yeah.

Through Canberra Solutions?---Yeah.

Which C100 provider put her forward?---I think that was Talent, I think.

Talent International?---Yeah.

20 Jean Gazo, is that right?---Yeah.

How were you in touch with Jean Gazo? How did you know to be in touch with him?---Jean Gazo, yeah, these were the contractors I think assigned for the University of Sydney, so the C100.

All right. So go back to Nidhi Narndeo, which – that person's a contractor, are they?---Yeah.

30 Which organisation were they contracted to?---They were contracted not to University of Sydney.

No. Which organisation were they contracted to?---They were contracted to a US company.

What was the name of the US company?---3K Corporation.

Say it again?---3, 3K Corporation.

40 Three K Corporation?---Yeah.

And were you – that is Canberra Solutions the only recruitment company involved with recruiting Nidhi Narndeo?---Yeah.

All right. And what about Upendra Saxena? Is Upendra a contractor?---Yeah.

Whose Anuradha contracted to?---He was not contracted, he was doing our business intelligence and you know - - -



All right. What's that person's full name?---Upendra Saxena.

Say that again?---Saxena.

Is that a first name or a last name?---Last name.

Spell it for the record, please?---S-a-x-e-n-a.

10 All right. So that – Upendra was somebody who was a direct employee of Canberra Solutions?---Yeah.

Anu Iyer, for the record I-y-e-r. Was that person a contractor or an employee of Canberra Solutions?---When you say direct employee, I didn't quite get that?

You understand that as I understand your evidence, for instance Sonata was a direct employee of Canberra Solutions? Correct?---Yeah. Everybody was on a contract except Sonata.

20

Just listen to me. Sonata Madambikat Devadas was an employee of Canberra Solutions Pty Ltd. Correct?---Yeah. Yeah.

She wasn't contracted out to work for somebody else through the company, was she?---No.

You were an employee to the extent that you were paid for your activities. Correct?---(No Audible Reply).

30 You were an employee of Canberra Solutions Pty Ltd?---Yeah.

In this financial year that we're talking about. Correct?---Yeah.

Upendra was a direct employee of Canberra Solutions. Correct?---Yeah.

You understand that Lynette Morris, for instance, whilst Canberra Solutions paid her wages she wasn't a direct employee of Canberra Solutions you were providing her on a contract to the University of Sydney, as an example. Correct?---Yeah.

40

All right. So Anu Iyer, is that person an employee or a contractor?---I'd have to check. I can't remember what she was doing.

And what about Fatimah Asifa?---I can't - - -

What did that person do?---She was, she was a software developer.

A software developer?---Yeah.

And did she work for Canberra Solutions or was she contracted elsewhere?--She was doing, I think, mixed roles. I can't remember exactly what she was doing.

Okay. Well to the extent that she wasn't working for Canberra Solutions, who was she contracted to, sir?---I can't remember. It's like a long time ago.

10 THE COMMISSIONER: Mr Moothedath, this is a profit and loss statement that relates to the financial year ending June, 2013?---Yeah.

So we're talking about a little bit over two years ago?---Yeah.

You've already told this Commission that your wife apparently had nothing to do with Canberra Solutions and you were the person who in fact operated the company over this period of time?---Yeah.

20 Well how do you not know who these people are and what they did?---(No Audible Reply).

Can you explain to me how you don't know what they did?---No, no - - -

This is your company?---Yeah.

I understand this to be your sole source of income throughout this period of time, am I right about that?---Yeah. I mean there was so many things you know, which you know - - -

30 Well you, you need to try a little bit harder, Mr Moothedath. We need to know who these people were. So just try a bit harder. Who were they and what were they doing? If they were providing services to Canberra Solutions as an employee you must have engaged them for some purpose and you must have known what they were doing?---Yeah.

Go on, Mr Hunt.

40 MR HUNT: All right. So Fatima Asifa was somebody that you said "did some things, I think for Canberra Solutions"?---Yeah.

What were those tasks?---(No Audible Reply).

What was her role at Canberra Solutions?---I think that she's doing a software which is, which is being used, I can't remember the name of the software, I think, you know, there's a couple of things she was working on.

Well, Canberra Solutions Pty Ltd was a recruitment company wasn't it?---No, it is a procurement services and IT services company.

It wasn't a recruitment company?---No, no.

Is that what you're saying?---Yeah, yeah, it wasn't a recruitment company.

The bulk of the income for this financial year - - -?---Yeah.

- - - flowed from the company having been involved in placing contractors with the University of Sydney, do you agree with that?---Yes.

10

All the money that comes in from Greythorn, Paxus, Michael Page and Talent International at the top under Income all relates to contractors placed at the University of Sydney, agreed?---Yeah.

The principal activity of Canberra Solutions Pty Ltd in the financial year ending 30 June, 2013 was in recruitment, correct?---No, we wouldn't call it recruitment, we are a procurement services company, we – it's not a recruitment company.

20 You were procuring contractors and placing them in contracts, correct?  
---No, no, sorry, that's not how we operated. We - - -

Well, just say, say – I'm sorry to cut you off but just explain to the Commissioner in a couple of sentences what you say it was that Canberra Solutions did as a business to make the money that it did from those four sources of income, that is Greythorn, Paxus, Michael Page and Talent International. What services did the company provide to earn that income?

---Ah, see we, we, we were a, what do you call it, an IT services company which is, which is like all across and it can be, you know, services for – oh,  
30 it's not a pure, you know, staffing company, that is if you're, if you're question is - - -

All right. Let's move on?---Yeah.

You said earlier that Pooja Naik was a contractor didn't you?---Yeah.

Is Pooja Naik a man or a woman?---A woman.

40 Okay. Ms Naik, to which company was she contracted? Did she work for the University or some other entity as a contractor?---Ah, no, not for the University.

All right?---We, we had a, a thing which we were working on for the, what is it called, like to, an online services company and, you know, we, we were working with the CEO or CFO, I can't remember the - - -

Are you making this up?---No.

All right. What was Ms Naik's qualifications?---I can't remember off the top of my head, yeah.

All right. Is she an architect?---Ah - - -

Does that ring a bell?---Yeah, maybe, yeah.

10 All right. Well, what would that do, what would that have to do with the contract that you're talking about?---Ah, this, this was more of a back office, she was sitting, she was, you know, Pranav's wife, Pranav was saying that, you know, if there is any opportunity for the company - - -

THE COMMISSIONER: Back office services to whom?---Yeah, this is - - -

Who was she providing the back office services to?---It is, it didn't materialise, I don't think it materialised, we were just in the talking stage and then, you know, we got her involved so that, you know, we got her trained and then, you know - - -

20 Got her trained in what?---In the back office operations, like you know, support.

So you had to train a woman who was qualified as an architect to deliver back office services did you?---Yeah.

30 What did that involve? Did that involved typing, answering the phone? What did it involve?---Ah, no, it's more of a - this an online service company and they do sell electronics and all that, it's a famous company, I can't remember currently, I think it was for that and, and then we are also working with our offshore partners - - -

No, don't, don't. You're straying from the question?---Yeah.

You said she was employed to provide back office services to this online marketing company?---Yeah.

40 Well, what was she going to do for them, explain to me what she was going to do for this online marketing company?---Yeah, she, she, she will do basically all the email chat that comes into the site, that is one and also any, anything related to the, the support questions that, that come to the site, all that and - - -

So she was going to sit at a computer - - -?---Yeah.

- - - at a monitor - - -?---Yeah.

- - - and she was going to read emails was she, that came in?---Yeah, well, that is just one part and I am saying it can be say if there are accounts

payable or receivables or it can be anything of that sort so whatever is as per the (not transcribable) that (not transcribable) will be read through and based on that, you know, it can be processed so it's like more of the back office service.

MR HUNT: Just to be clear you're saying that Pooja Naik, what, attended Canberra Solutions' office?---Yeah, sometimes.

10 And how often did she attend Canberra Solutions' office in the period that she was employed?---Yeah, maybe like one time in a week or, you know, I can't remember how often she attended, one or two times.

What period was she employed for?---Yeah, I can't remember what was the exact period for the time she - - -

Well, give us a rough idea. Was it through the whole of that financial year? ---No, no, not for the whole of the financial year.

20 All right. So you're saying she attended what, weekly, the office?---Weekly or whenever the need arises so - - -

And in your accounts there's an amount of \$15,200 attributable to her, would that be net wages or would that be gross wages or would that be gross wages plus superannuation, what would that figure represent?---That I, I don't know, that is- - -

What do you mean you don't know?---Maybe it's an accountant question actually.

30 Weren't you running the company?---Yeah.

Is that a question we'd have to ask your wife?---No, she will not have any clue.

All right. So what does that figure represent? You were the main operator of this business in this financial year?---Yeah.

40 Is that all the expenses that relate to her including superannuation?---Can, can I, can I see that again, it's blanked out, can I - - -

All right. Can we pop it up again please, page 67, volume 17. All right. The \$15,200, what was Canberra Solutions' practice in terms of paying an employee like Ms Naik in terms of how would she be paid, through a payroll company, by money flowing from Canberra Services' account to a nominated account from her, would she take responsibility for her tax or would the company pay her PAYE tax, just explain the arrangements about Ms Naik's pay et cetera?---It's a, I think it's a PAYG like - - -

So you would retain the tax and pay that to the Tax Office, is that right?  
---Yeah.

And then you would pay the net wage into a nominated account?---Yeah.

Was that the fact of it with this particular employee, do you remember?  
---Yeah.

10 And what about which, which other people listed there apart from yourself,  
Sonata and Pooja Naik are employees rather than contractors, just tell us  
from that list starting with Puja Kumari which people are, were in that  
financial year employees of Canberra Solutions Pty Limited?---When, when  
you say employees I still don't understand that question, whether it's  
employee - - -

Ms Morris was, was a contractor?---Yeah.

20 Anu Batra was a contractor, Pranav Shanker was a contractor, et cetera. I'm  
talking about people that were not contractors that were employed by  
Canberra Solutions. Do you understand, do you understand that?---Okay.

Do you understand the difference?---So from, from this standpoint, you  
know, we – so you're saying that, you know, if it is – the service is being  
used by another company, is that - - -

THE COMMISSIONER: Mr Moothedath - - -?---Yeah.

- - - we're not saying anything. This is your company?---Yeah.

30 You're here to tell us how the company operated, all right?---Yeah.

There were a number of people on that document to whom you didn't pay  
any money. The money came from Sydney University after you placed the  
person in that employment through an agency. Do you understand?---Right.

40 Right. There were other people like Ms Pooja Naik who you said was  
coming to your premises on a weekly basis to be trained to provide back  
office services to an online marketing firm and for that you paid her  
\$15,200?---Yeah.

She's an employee of Canberra Solutions isn't she?---Yes. If you put it that  
way, yes, she is an employee.

Well, I'm not putting it any way. I'm going off your profit and loss  
statement and the evidence that you've given so far. Now, the question  
from Mr Hunt is who else on that list was an employee of Canberra  
Solutions, i.e. you paid them a wage to come to Canberra Solutions to carry

out some form of employment-related services for your company. What's what we're asking?---Oh, okay. Right.

MR HUNT: Just start with Puja Kumari and work down and just say which ones are employees?---Puja Kumari.

I'm asking it that way, Commissioner, because the witness is taking a couple of minutes to answer the question?---Yeah.

10 So start with Puja Kumari?---Yeah.

Is that person – was that person an employee of Canberra Solutions?---She was actually – for some time she was working for Applaud.

For Applaud?---Yeah. So she's not a - - -

So she was a contractor?---Yeah, a contractor, yeah.

20 Was she – for the time that she wasn't a contractor through Applaud was she – she must have sometimes been an employee of Canberra Solutions. Correct?---Yeah.

So what did she do at Canberra Solutions?---She did – she was being trained for the software support.

All right. Ms Chaud, Ms Asifa, Ms Iah Bupendra or Mr or Mrs Nardeo, were any of those people contractors with either Michael Page, Paxus, Applaud, Greythorn or Talent International?---No.

30 Were all those people employees of Canberra Solutions?---I don't understand.

They must have been?---Sorry, I think you said Andrew as well, Andrew (not transcribable) the name. I didn't quite – missed the sequence.

What I'm asking you is questions about the people who aren't Ms Naik - - - ?---Yeah.

40 - - - that aren't you, that aren't Sonata - - -?---Yeah.

- - - and that aren't contractors to the University of Sydney and what you've told us is that Puja Kumari - - -?---Yeah.

- - - was in part contracted to Applaud?---Yeah.

And I assume for up to \$7,095.50 worth. Correct? Looking up the top? ---No. I think Andrew Chaudhary also was with Applaud. I can't remember, you know, the timing so - - -

All right?---Yeah.

But other than those two partial contracts with Applaud for up to about \$7,000 worth people were otherwise employed by Canberra Solutions Pty Ltd. Is that right?---Yeah.

10 And they were paid on a PAY basis where you would keep aside the tax and you would pay them into – pay them their net wage into a nominated account. Correct?---Yeah.

All right. Now, on the day that you say that you ran into Mr Shanker, going back to that topic, is that the only time that you met up with him, that is, the bumping into and then the meeting a bit later in the day, is that the only time you've met up with him about this matter?---When you say this matter - - -

20 ICAC?---I didn't, I didn't say that I went – it's ICAC. I – as I said, you know, he called me later saying that ICAC has called me. So we were having a general chat about – because we normally chat.

So the day that you bumped into him - - -?---Yeah.

- - - in North Sydney and had a chat - - -?---Yeah.

- - - that was not connected with ICAC?---No.

So any conversations that you had with Mr Shanker about ICAC were later than the occasion that you bumped into him in North Sydney?---Yeah.

30 Correct?---Yeah.

And since you started to have chats with him about ICAC you haven't personally met up with him. Is that what you're saying?---No, I don't think I have met.

You're saying you haven't met up with him?---No. Personally after that time, no.

40 THE COMMISSIONER: Just so that we're clear, there's this one occasion when you bump into him at North Sydney. You don't have a discussion with him about the ICAC matter. It's a conversation of some 15 minutes in length and then you haven't seen him in person since that time?---Yeah.

MR HUNT: Did you try and contact Mr Shanker by telephone on the day that Sonata was interviewed by ICAC?---I speak to him once in a while. I don't know whether I called. I can't remember.



Did you talk to Mr Shanker on the phone, him calling you, on the day that Sonata was interviewed by ICAC?---So sorry, I didn't get that question. Can you please - - -

Did you talk to Pranav Shanker on the telephone on the day that Sonata was interviewed by ICAC?---I can't remember. Maybe it might be – if I have called – I might have called, you know, but I - - -

10 All right. I suggest rather than what you have told the Commission - - -?  
---Yeah.

- - - that is, that you bumped into Mr Shanker - - -?---Yeah.

- - - that you made an arrangement to meet up with Mr Shanker on 29 June, 2015 after ICAC had interviewed your wife?---No.

Do you agree with that or disagree with that?---No.

20 All right. I suggest that you met up with him in North Sydney and had a long conversation with him on that day - - -?---Yeah.

- - - about the ICAC investigation?---Yeah, on – about the ICAC investigation?

Yes?---No, I didn't talk about the ICAC investigation.

30 All right. I suggest you met up by arrangement with Mr Shanker in North Sydney and talked to him in your car on 29 June, 2015?---The day we bumped into each other?

THE COMMISSIONER: No. Mr Moothedath, listen.

MR HUNT: I'm saying you - - -

THE COMMISSIONER: Listen to the question?---Yeah.

Put it again, Mr Hunt.

40 MR HUNT: All right. You say - - -?---Yeah.

- - - you bumped into him?---Yeah.

I'm suggesting to you that you met up with him in North Sydney by prior arrangement and talked to him for about two hours sitting in your car on 29 June, 2015. Do you agree or disagree with that?---No, I can't remember that.

THE COMMISSIONER: Well, just a minute, this the same day, 29 June, this is the same day that ICAC investigators came to your home and interviewed your wife. Do you understand that?---Yeah.

So what's being put to you is that obviously at some time after your wife was interviewed on that day, 29 June, you arranged to meet Mr Shanker in your car at North Sydney and you sat in the car and had a conversation with him for two hours. Do you understand that?---Two hours?

10 Yes, do you understand that?---(No Audible Reply)

Do you understand what I'm putting, what I'm - - -?---Yeah.

I'm summarising what's being suggested to you?---Yeah, mmm.

Now are you telling the Commission that you don't remember doing that or are you telling the Commission that that did not happen?---I don't remember doing that.

20 So you acknowledge the possibility that you may have done that?---Ah, no.

All right. Well, let me say it again. Do you say you do not remember doing that so it's possible that it occurred but you have no memory of it or are you saying that that did not occur, it simply didn't happen? Which is it?---Ah, I don't remember.

So you don't remember it?---Yeah, I don't remember it.

30 MR HUNT: So do you say that it's possible that you could meet Mr Shanker by arrangement and sit in a car and discuss matters to do with the ICAC investigation for two hours and it escaped your memory, is that what you're honestly saying to this Commission?---On 29 June?

Yes.

THE COMMISSIONER: This is four months ago, you say you have no memory of it?---Yeah, I don't.

40 MR HUNT: So what I'm just trying to understand is you seem to have said to the Commissioner that you don't deny it absolutely but you can't remember it?---I can't remember it, yeah.

Are you saying that it's possible that that happened and you don't remember it, is that what you're saying?---No, when, when you say two hours and to have, I don't remember that, any of that happening.

All right. The effect of your evidence to the Commissioner, do you agree, has been I've seen Pranav Shanker once - - -?---Yeah.

- - - this year and I bumped into him, I saw him for a couple of moments, we made an arrangement to meet within an hour or so and then we talked for up to about 15 minutes the same day?---Yeah.

Correct?---Yeah.

And that was all before any discussion with Shanker about ICAC?---Yeah.

10 It was coincidental, nothing to do with ICAC?---Yeah.

All right. Just could we – have you ever sat in a vehicle with Shanker?---  
Ah, that I can't – it might be, you know, I don't know which, were we, have I, have I ever sat in a vehicle?

Have you ever sat in a vehicle and had a conversation with Pranav Shanker?  
---Is it this year or last year or - - -

20 Ever, sir?---I might have, I don't, I don't remember.

Okay. Well, this year?---I, I don't remember that.

All right. Your, your main dealings with Mr Shanker were back in 2012/2013, correct?---Yeah.

Because that's when Canberra Solutions was putting him forward for a contract and then administering the contract with the University of Sydney?  
---Yeah.

30 You agree?---Yeah.

So is it more likely if you had a long conversation with Mr Shanker that it would have been in 2012 or 2013?---Yeah.

You had nothing of any substance to discuss with him in a business sense this year, did you?---No, I talked to him in, in terms of, you know, how to get the company strategy and all that, you know, so that's, you know - - -

40 So has Canberra Solutions or AVA Pty Limited got some ongoing commercial relationship with Mr Shanker?---He, we, I mean he, he is an expert in resourcing from China and, you know, other places so we - - -

Just answer my question. Has either AVA Pty Limited or Canberra Solutions Pty Ltd got a commercial relationship with Mr Shanker involving dealings in 2015, yes or not?---Commercial in the sense, I didn't get that, commercial.

Well, are you making money from him, is he on your books, are you earning income from him? Is he earning income from you?---He's not in the books but I know I, we get ideas and things from him.

All right. This year what, what kind of vehicle do you drive in 2015?  
---2015, a Toyota Camry.

A light blue one?---Yeah.

10 What's the registered number?---It's [REDACTED]

All right. Just have a look at a picture of a person, I just want to see if you can identify this person for me. Can you see that sufficiently on your screen, the person next to the red bus?---Yeah.

Who's that?---That's Pranav.

Pranav Shanker?---Yeah.

20 All right. Could we have a look at the video please. I just want to show you something. It's a piece of video from 29 June, 2015. I'm just going to run it forward to a particular spot, Commissioner, and I just want to have the witness comment on something.

**VIDEO RECORDING PLAYED**

**[11.06am]**

30 MR HUNT: So just see the vehicle that's in that shot, that's your light blue Toyota Camry isn't it?---Yeah.

And you can see the registration number there, [REDACTED]?---Yeah.

And you know the scene well enough to say that that's a vehicle that's parked in North Sydney, correct?---Yeah.

40 And can you see who's behind the driver's wheel of that car, can you see clearly enough or do we need to play the vision to somewhere else for you to see or do you accept that that's you sitting behind the driver's wheel of that car?---Yeah, that's me.

And who's in the car?---Yeah, that's Pranav.

And you remember this day don't you?---No, and when you showed it to me, you know, I remember.

Yeah. So just tell the Commissioner now - - -?---Yeah.

- - - that you understand that the Commission has some verification of your movements on 29 June, 2015, just tell the Commissioner what contact that you had with Pranav Shanker, how it came about and what was the matters being discussed on that day?---I can't remember what was the matter that we - - -

Start, start, well, I'll start – I'll make it easier for you?---Yeah.

10 How did you come – you agree that you've somehow met up with Mr Shanker that day?---Yeah.

And this is not an accidental meeting is it?---It's not an accidental meeting, yeah.

No. It was a planned meeting wasn't it?---I, I don't know it's a planned meeting, you know, but he, he just happened to talk about, you know, strategies.

20 And on this day – what do you mean it wasn't a planned meeting? I suggest to you that you tried to ring Mr Shanker and that he called you back and had a telephone conversation with you for some minutes before you met up?---Yeah.

And that telephone conversation was about meeting up wasn't it?---Ah, it, yeah, it can be, yeah.

It was wasn't it?---Yeah.

30 And the reason that you wanted to meet up with Mr Shanker was because Sonata had been interviewed that day by ICAC investigators, correct? ---No, that's purely coincident.

You're saying that you left your premises at Longueville Road, Lane Cove and effectively went straight to have a pre-arranged meeting with Mr Shanker and it didn't have anything to do with the ICAC investigation, is that your evidence?---Yeah.

40 What did you discuss with Mr Shanker when you met with him in the car as we now understand you did on 29 June, 2015?---I think probably with AY International or something to do with the strategy or whatever. He, I got his thoughts you know - - -

Okay. Are you saying that you did not discuss the ICAC investigation with Mr Shanker when you met with him on 29 June, 2015?---No.

THE COMMISSIONER: You're saying you didn't discuss it?---I didn't discuss about the ICAC investigation.

Well, you say - - -?---If he, he has already called me, I can't remember. I don't know whether he was called. He told me that he was called, I don't know whether he was it was on 29 October. He said "He was called and then you know, you guys were, you know asking all sorts of questions, you know, and, you know, what is that"? So if it is after that date I might have talked but if it is before, no, I haven't.

Well I don't know what any of that means.

10 MR HUNT: Your evidence is that you haven't met up physically with Mr Shanker since you were aware that the ICAC investigation was underway. That was your evidence earlier, wasn't it?---When the - - -

Wasn't it?---No, no, no. When the ICAC, I said "I bumped into him and - - -

Before you were aware of the ICAC investigation, yes?---Yeah, yeah.

20 And you also said "I didn't", "I hadn't met up with him physically although I might have talked to him on the telephone. I hadn't met up with Mr Shanker physically - - -?---Yeah. Which I didn't remember, yeah.

- - - after, after I was aware that ICAC were investigating". You agree you said that, don't you?---I said "I can't remember meeting him physically", yeah.

30 All right. You accept now, don't you that you met up with him after you were aware that the ICAC investigation was underway? You accept that, don't you?---Yeah, yeah. I said "I wasn't remembering" and which I - - -

And you accept - - -?--- - - - which you showed on the video, I remember and if it is on 29 you know if you say the 29, yeah.

And you don't accept that there's any relationship between the ICAC investigation and the meeting of 29 June?---Yeah.

And you don't accept that there's any relationship between ICAC's interview of Sonata and the meeting later in the day with Shanker?---Yeah.

40 And you don't - and you say that you didn't discuss the investigation at all with Shanker that day?---No, I didn't get it, can you say that again?

You say when you were meeting with Shanker on 29 June, 2015, that you didn't discuss the ICAC investigation with him at all. Correct?---Yeah. I didn't discuss the ICAC investigation.

All right. And - - -

THE COMMISSIONER: Sorry, I understood you to say that you, that you were discussing with him on this day some business related proposition?--- Yeah.

Why was it necessary to meet him for two hours in the car to discuss a business related proposition, why didn't he simply come to your home where you were looking after your young child so that the discussion could occur there?---It's just because, you know, it was convenient that way because you know.

10

What was convenient about having to leave your child, get in the car and go to North Sydney for two hours? Why couldn't Mr Shanker have come to your home address, he'd been there before, hadn't he?---No. I might have gone to North Sydney for something and so it was easier - - -

Are you just speculating now, you don't actually have a memory of this day at all?---Yeah. But what I'm saying is, you know, it's easier if I'm, I'm there, you know, I meet him, you know, I can talk to him as well, yeah. So - - -

20

Well, not five minutes ago you agreed with Mr Hunt, when he suggested to you that there was a phone call after your wife was interviewed by ICAC officers and that you made an arrangement to go and meet Mr Shanker in North Sydney? You agreed with what Mr Hunt said about that five minutes ago?---Yeah. See - - -

30

Well if you had a phone call with Mr Shanker after your wife was interviewed and you wanted to discuss a business proposition, why didn't you simply say to him "Come over and we'll talk about it here"? Why did you need to get into your car and drive to North Sydney?---What at my home?

Why did you need to get into your car and drive to North Sydney and have a conversation in the car for two hours? Why?---I didn't, I didn't want, you know, him to come to my home probably, yeah.

Why not?---That was something, you know. I was uncomfortable probably that day, that day.

40

Well what was comfortable about sitting in a car for two hours discussing a business proposition, why not do it a café, why not, why not agree to meet somewhere pleasant? Why did you sit in a car for two hours?---That's, I don't know what's the - - -

Think carefully about this Mr Moothedath?---Yeah.

Was it because you were discussing with Mr Shanker what he should say to the ICAC investigators and you did not want the conversation to be overheard. Was that the reason?---No.

Are you sure about that?---Yeah, yeah.

Absolutely positive that couldn't have the reason?---Yeah.

10 Absolutely positive you were not discussing the ICAC investigation with Mr Shanker?---Yeah.

That might be a suitable time to take the morning tea adjournment, Mr Hunt and I - - -

MR HUNT: Yes. Could I ask just one more - - -

THE COMMISSIONER: Yes.

20 MR HUNT: - - - before we do that? Are you absolutely positive that you have never said to Mr Shanker on the phone that you don't want to discuss matters to do with ICAC too much on the phone?---No.

No, what? No, you don't agree with that? You never have?---No, I didn't say - - -

You have never had that conversation with Mr Shanker?---No, no. Can you do that question again? I think you said - - -

30 All right. Have you ever had a telephone conversation with Mr Shanker where you said to him words to the effect of "I don't want to talk much about this", being the ICAC investigation "on the phone"?---No.

Thank you.

THE COMMISSIONER: We'll resume at half past 11.00. Thank you.

#### **SHORT ADJOURNMENT**

**[11.17am]**

40

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Mr Shanker has been to your premises at Longueville Road, Lane Cove for discussions after the meeting of 29 June, 2015 hasn't he?---I, I mean he, he, you know, he's also, you know, he come and go, you know, when, when he has to. I don't know when anybody has come. I can't remember.



What does that mean? Are you agreeing with the proposition or not?---  
When he came – whether he has come to our home?

Yes.

THE COMMISSIONER: After 29 June, so after this discussion in the car -  
--?---Yeah.

--- it's being put to you that he came to your home for further discussions.  
10 Do you agree with that or not?---He might have, you know, because it's – as  
I said, you know, there's - - -

MR HUNT: All right. Well, bear with me. You said to the Commissioner  
before the break - - -?---Yeah.

- - - that the reason you had the convenient meeting in the car was because  
you felt uncomfortable about Mr Shanker visiting your home. Correct?  
---Yeah.

20 After 29 June, 2015 has Mr Shanker been to your home?---He might have  
been as I said, you know.

All right. I'm suggesting to you that he did go there in July of this year. Do  
you agree or disagree?---He might have, yeah. As I said - - -

All right?--- - - - you know, because my son - - -

Well, if he might have gone - - -?---Yeah.

30 - - - why would he have gone to your place, why would Shanker be at your  
home?---Yeah, he – see as I said, you know, we discuss on a lot of  
opportunities were – because as I said he is a china sourcing expert and, you  
know, so we have quite a few things - - -

All right. Just stop. I don't think it's going to help the Commissioner. Do  
you accept the proposition that Shanker has been to your home after the  
meeting of 29 June, 2015 to discuss more what he should say to ICAC  
investigators?---No, not in that regard.

40 I suggest that whether it was on 29 June in the car or later or both that you  
have encouraged Mr Shanker to come up with false information to ICAC?  
---No.

The reason that you needed to get him to give false information to ICAC is  
because you were worried about what would happen to you or your wife in  
relation to the arrangements to do with Pooja's employment at Canberra  
Solutions. Correct?---No. Not at all.

Sorry?---No.

What you have told the Commission today about the basis for Pooja Naik's employment at Canberra Solutions in the financial year ending 30 June, 2013 was untrue wasn't it?---No, I didn't get that part. What I have told you  
---

10 What you told the Commissioner about Pooja's employment with Canberra Solutions was untrue?---No.

She didn't really have any actual job at Canberra Solutions did she?---She had.

You paid her. Correct?---Yeah.

The company and you paid her 300 – \$3,215 a calendar month didn't you?  
---Might have been. Correct.

20 That was her nett pay?---Yeah.

Do you agree with that?---Yeah, might have been correct.

And that money came back to you in cash didn't it?---No.

And that money came back to you in cash because you had made an arrangement with Pranav Shanker to falsely put Pooja on the books of Canberra Solutions?---No.

30 And you had an arrangement that you would pay the tax, that she could keep the superannuation and that Pranav Shanker would return funds to you in cash - - -?---No.

- - - representing Pooja's nett wages?---No.

How many contractors did Canberra Solutions, either as a subcontractor or a procurement agent or however you describe the company's activities, place with the University of Sydney before Jason Meeth was employed there?  
---How many – I didn't get that. How - - -

40 How many contractors did Canberra Solutions put forward to get contracts at the University of Sydney before Jason Meeth was employed there?---No, none.

How many contractors did Canberra Solutions put forward, whether directly or through a C100 agent, after Jason Meeth had left the University of Sydney that got contracts?---Nobody, yeah.

The only time that Canberra Solutions was profitable in the period 2012 to 2013 calendar years was during – was in relation to contractors that were placed at the University of Sydney. Correct?---Yeah.

The contractor – the money that you got from contractors placed at the University of Sydney was virtually the whole of Canberra Solutions Pty Ltd income. Correct?---Yeah.

10 And in total across the time that you, that is, Canberra Solutions was receiving funds in relation to those University of Sydney contractors it amounted to more than \$1.6 million received. Correct?---It might be around that.

You accept that?---It might be. I don't know how much it is.

All right.

20 THE COMMISSIONER: Well, do you accept that it was more than \$1 million over that period of time?---It was in two separate financial years so - -

Well, it was over a period of 18 months wasn't it?---Yeah.

Mr Meeth was only there for 18 months?---It might be around that, you know, yeah.

30 And so in that 18 month period Canberra Solutions took something in excess of \$1 million and according to our figures it's as high as \$1.6 million?---It may be true, yeah. I mean I have to - - -

Are you suggesting that you don't know that?---Yeah. I mean I don't remember exactly, you know, what was the amount.

Well, whether you remember exactly or not are you suggesting that you don't know that over 18 months your company took \$1.6 million in fees? Are you suggesting you don't know that?---No, no, I am saying, you know, you'll have to look at the, you know, the financials, I, I haven't looked at it so - - -

40 MR HUNT: You accept it's of that order though don't you?---Yeah, it might be.

You know it was more than one and a half million dollars?---Yeah, it might be, yes.

Well, when you say maybe do you accept that or not?---Yeah, I think, see I, I don't remember so how do I say that, you know, it is that exact amount.

THE COMMISSIONER: Mr Moothedath, before this period of time when Canberra Solutions was placing its candidates with Sydney University Canberra Solutions effectively had no income did it?---No, it had some income already.

All right. It had some income?---Yeah.

What kind of income, give me a ballpark figure?---I don't know how much was it but it may be less than maybe 50,000.

10

I beg your pardon?---Less than 50K maybe, yeah.

50?---Yeah.

So maybe 50,000 what, in the financial year before you started placing candidates through Mr Meeth?---Yeah.

20

And then for 18 months, over that 18 months Canberra Solutions took something like \$1.6 million and then after Mr Meeth left Sydney University what kind of income did Canberra Solutions earn then?---Ah, no we didn't, we didn't have much income after that.

All right. So about 50K before that 18 month period, 1.6 million in the 18 month period and then nothing after that, is that right?---Yeah.

MR HUNT: I just want to move briefly to a different topic. Is there any employee of Paxus International in 2012 and 2013 that you had dealings with apart from Samuel Williams?---I can't remember talking to anybody else.

30

As I understand your evidence Sonata didn't have dealings with C100 agencies, is that right?---Yeah.

If she had any involvement it was to do with timesheets, correct?---Yeah.

She wasn't involved in the contracting phase, is that right?---Yeah.

40

Would she have been in contact with staff at recruitment agencies about what should go on contracts?---No.

That would be you?---Yeah.

All right. Did you have any dealings with somebody called Patricia McNally or Trish McNally at Paxus International?---Yeah, some kind of – it rings, the name, yeah, which is familiar.

Well, what involvement did you have with her?---I think she was the contract, in charge probably.

All right?---Yeah.

Would you have been telling her what to put on contracts?---No.

Who did you have any discussion about contracts with at Paxus International while you were dealing with that company in relation to putting up candidates to the University of Sydney in 2012/2013?---I think it is Samuel.

10

Anyone else other than Samuel Williams?---And Samuel I think if, if I remember correctly used to link to Trish I think.

I don't understand what you just said?---Samuel in turn, you know, used to give it to Trish, Trish McNally.

All right. So any – your understanding of it was that any, any requirements that you had about contracts would go through Samuel to anyone else at Paxus, is that right?---Yeah.

20

Was it a general part of the way that you, that is Canberra Solutions, chose to order things that there would be a contract between you and the C100 company that would disclose or not disclose the rate to be paid to the contractor?---I, I didn't – the, to whom? Is it to the candidate or - - -

The candidate?---Yeah. Ah, the, the amount that is being charged to the University?

30

Yes?---I mean normally they don't ask.

No, but you, you knew that there was contracts in existence and needed to be contracts in existence between the University and the different C100 companies setting out the daily rate, correct?---Yeah.

And you arranged things, didn't you, from Canberra Solutions' point of view that the candidates didn't know the rate at which they were being paid by the University?---I didn't get that question, can you say it again?

40

All right. You made sure that it was, you were the only person telling the candidates what they were getting paid, correct?---I was the person, the - - -

You or Sonata were the only people who would talk to the candidates about what they would be paid?---By us?

Yes?---I, I, yeah, I speak to them, yeah.

And was that you or Sonata or both of you?---I, yeah.

All right. So you take responsibility for that and in each case of each of the contractors that Canberra Solutions placed with the University of Sydney you knew that the University was paying much more for their services than Canberra Solutions was paying the individual contractors, correct?---Yeah.

And you knew that Canberra Solutions was getting a margin of 50 per cent, sometimes a little bit less, sometimes more than 50 per cent of the contractor's part of the daily rate didn't you?---Yeah.

10 And you generally told the contractors that you couldn't get them more than a rate that you told them they could be paid, correct?---No, I normally check with the candidates what their expectations are.

Anu Batra for instance wanted more than \$290 a day didn't she?---I don't know whether she wanted but ah, she agreed to what was written in the contract and then she - - -

20 But you, you effectively told her that you couldn't get more than that for her because she hadn't worked in Australia, do you agree with that?---I don't remember. Yeah, she agreed, she came, came to us and she wanted to, you know, do something, you know, and, and then, you know so we, we said, you know, there's an opportunity and so I don't remember anything of that sort.

Your business model was based on the fact that you knew you were charging huge commissions on these people's wages, correct?---No. See, I asked the candidates what is it that they are expecting so if they say this is a - - -

30 Do you agree that if the candidates had known their true rate they wouldn't have agreed to be paying you a margin of about 50 per cent for getting them the contract?---I, I, I don't get that - - -

THE COMMISSIONER: Mr Moothedath - - -?---Yeah, yeah.

- - - just listen carefully to what I'm about to say?---Yeah.

40 You claim to have run this business to provide IT services to the market, that's right isn't it?---(No Audible Reply)

You knew that Sydney University was regularly paying for IT services on a contract basis around about anywhere between 750 to \$1,000 a day, you knew that didn't you?---Yeah, yeah.

And one of the reasons that you had to use a company like Greythorn or Paxus was because Mr Meeth told you that it had to come through a C100 company and you weren't a C100 company, that's right isn't it?---Yeah.

So you knew because the C100 companies charged that rate to Sydney University that ultimately the C100 company was going to pay you anywhere around the vicinity of 700 to \$1,000 a day for the services of a person that you placed with them, you knew that didn't you?---Ah - - -

You knew that didn't you?---Yeah.

10 And you not once disclosed to any single person that that was the rate at which Sydney University was paying for that IT service, did you?---They didn't ask - - -

That's not the question. You did not once disclose to a single person that that was the rate you were being paid, did you?---I didn't have to say, you know, how much was the rate I was being paid.

I'll put it again?---Yeah.

20 You did not once disclose to a single person that that was the rate that you were being paid for those IT services, did you?---No.

And the reason you didn't do that was because you were giving them half of that rate and keeping the rest for yourself. Isn't that the end result?---That's not the reason.

Mr Moothedath, isn't that what happened?---No, no. I was keeping whatever was, you know - - -

30 You were keeping at least half of that rate for yourself, weren't you?---Yeah.

That was in every single case, wasn't it?---Yes, more or less, yeah.

MR HUNT: And the reason that you were able to get these people to agree to low rates was because that generally they were desperate for work. Correct?---I have no idea.

They weren't passive job seekers, were they?---I don't know whether they were passive or cheap at the time.

40 They were people who came to you through networks desperate to get contracts. Correct? Because of their family circumstances?---Might've been, I don't know.

Well Anu Batra, for instance, you knew that she hadn't worked in Australia. Correct?---Yeah.

You knew she didn't know what the going commercial rates were, didn't you?---Yeah, probably.

And you told her that she'd have to be satisfied with less than \$300 a day because she hadn't worked in Australia. Correct?--No, I didn't say that, you know, this is, I said "This is the", you know, "rate I'm willing to pay, are you happy"? She was happy and then she got on board.

10 In relation to Paxus, did you make arrangements so that contracts would issue that did not disclose on their face how much the contractor was going to be paid per day?--No, I didn't. When Paxus issued the contracts I didn't get it.

Did you ask at Paxus as an example for contracts to issue that didn't disclose the daily rate on the face of the contract?--No, I didn't. It has to be like two, I said "It's a subcontractor so we have another contract with the employee, so it has to be, you know, contract to the employee and they have to put it contracts of contract".

THE COMMISSIONER: That's not responsive to the question.

20 MR HUNT: No. Did you arrange, either you or Sonata, arrange for Paxus to issue contracts between Paxus and Canberra Solutions that didn't disclose on the face of the contract how much an individual contractor was being paid per day?--The contract was between us and Paxus, not between the employee and the - - -

Yeah. Answer the question. I understand who the contract was between?--Yeah, yeah.

30 Did you arrange for a contract to issue between Canberra Solutions and Paxus that didn't have the daily rate on the front of it?--They said "They have to have it signed by the employee". I said "The employee is our employee and you know - - -

THE COMMISSIONER: Again that's not responsive to the question?--Yeah.

MR HUNT: You got your employee to sign your own contract?--Yeah.

40 But you asked Paxus, didn't you, to make sure that the Paxus, Canberra Solutions contract didn't disclose what the daily rate was?--See I said "There is no need of putting their rate to us to the employee and get them to sign because they have nothing to do with the rate and our contract. They have no relation to that".

Do you agree that it was important to you that anything from the University or the C100 company that might be seen by the individual contractors would not have the daily rate on it?--Because there's no relevance for them, yeah.



Yeah. And that was important to you, wasn't it, so that you could keep taking the big margin you were taking?---No. That wasn't the intent. The intent was they don't have any contract binding them from a daily rate standpoint there's - - -

THE COMMISSIONER: Mr Moothedath, can I ask you a different question?---Yeah.

10 You said a moment ago that you would say to the candidate "This is the rate I am willing to pay, are you happy with that"?---Yeah.

And so when you said "this is the rate I am willing to pay, are you happy with that", and the candidate said "Yes", why is it that we can't find a single contract between Canberra Solutions and a C100 agency like Paxus or Greythorn, not a single one where that daily rate, which the candidate said they were happy with, appears on the front of the contract? Why we can't find a single contract where that daily rate has been written in?---Daily rate between us and the employee or the - - -

20 Well this is a contract - - -?--- - - - C100 and us?

This is a contract - - -?---Yeah.

- - - that the contractor has to sign. That's right, isn't it?---We didn't – they all – to my understanding all the – they, most of the C100 companies wanted to have from an OH & S standpoint and things like that, they wanted a contract to be signed and that's what, what they, they created an C100, whatever that is, and then they made the employee to sign. With us is the contract, they don't have any contract with the employee. They have no  
30 relation because it's our – we have subcontracted to somebody else.

MR HUNT: The paperwork was designed from your point of view to make sure you knew what the University was paying. Correct?---Yeah. I know - - -

Do you agree with that?---Yeah.

40 And to make sure - - -?---No. I don't know what the University was paying but I know what the C100 was paying to us, yeah.

Well you've got no reason to think that the C100 company wasn't disclosing to you the proper University rate and showing you that rate and their margin?---Some they don't, some they do, yeah.

So, all right. And when you just said to the Commissioner a few answers ago "I've said there was no need for the contractor to know the rate", who did you say that to in, in for instance the Paxus? Who did you say "there's no need for the contractor to know the rate"?---The contractor not the C100?

Yeah?---Yeah. So it's the our, our (not transcribable)

Your answer – you, you in your answer said “I've told them there was no need for the contractor to know the rate”. I presume that is something you are saying to C100 personnel. Correct?---No, no, no. Not the C100.

Well you weren't dealing with the - - -?---The – at the start there were the - - -

10

- - - University directly, were you?---No, no. No, the contractor in a sense, the guy, the employee who was part of the – our, our employment.

Yeah. You wouldn't be saying to him “There's no need for you to know your rate” - - -?---No, no, no. I didn't - - -

- - - you were saying it to somebody else, weren't you?---No, no. We didn't specifically say to them, the point I was trying to make is, each employee doesn't need to know what is their University rate, what is the C100 rate.

20

They only need, they only need to know what is their rate that is being paid to them.

Why not? I mean it's their pay? Why, why do you say to this Commission that a contractor shouldn't know what their, what is being paid for their services?---No. This is not a – as I said “It's not a recruitment company”, we are a procurement services company. We are working with C100 and whatever C100 pays, you know - - -

30

All right. Just have a look at this document for a minute, sir?---Yeah.

Just for the record I'll indicate that the witness is being shown page 81 of volume 9. Now, see that contract says “as per Schedule A”. Do you see that?---Yeah.

You're familiar with that formulation aren't you?---Yeah, that's done by C100 company, yeah.

40

All right. And where is Schedule A – in any one of these contracts where did you in Canberra Solutions Pty Ltd records keep Schedule A to that contract between you and the individual C100 company, where would that be in your company records?---No, no, the schedule is the same thing but it'll have a per day rate.

All right.

THE COMMISSIONER: Yeah, well, that's what we want.

MR HUNT: That's what I'm - - -

THE COMMISSIONER: We want to see one of these examples. That's what we're looking for. Can you give us an – can you give us the document?---No, they have it I think. C100 company should have it.

MR HUNT: But this is a contract, one party is the C100 company?---Yeah.

The other party is your company?---No, this contract is done by C100 company - - -

10

Okay?--- - - - not by us.

Do you accept - - -?---Yeah.

- - - that one of the contracting parties to this contract is Canberra Solutions Pty Ltd?---Yeah.

And are you saying that the C100 company would provide this contract and not provide Annexure A to you?---No, that is their scheduling.

20

Yeah?---Yeah.

And when the Commission has called for documents from Canberra Solutions Pty Ltd I suggest that the company hasn't produced any Schedule As to any of these contracts. You agree with that?---No, this is only with Paxus.

Do you agree that - - -?---Yeah.

30

- - - you haven't provided a Schedule A to any of these contracts?---No. I mean I think – can I ask this contract is written by Paxus so it's not our - - -

THE COMMISSIONER: It doesn't matter who it's - - -?---Yeah.

- - - written by, Mr Moothedath?---Yeah.

This is a contract between - - -?---Yeah.

- - - two parties?---Yeah.

40

In order to be a proper contractual relationship - - -?---Yeah.

- - - you have to receive a copy of that contract and every relevant attachment to it - - -?---Yeah.

- - - so that you know what the contract is, right?---Yeah.

So at some stage you must have received a Schedule A to that document?

---From C100.

Yes?---Yeah, I might have, yeah.

Well, where is it because we haven't seen one?---Yeah.

And we asked your company for all of these documents and we never got it?---Yeah.

10 So we're asking you why is it that in all of these documents this miraculous Schedule A is missing from every single one of them. Can you tell us where it is?---I mean we couldn't locate it. I can find it.

Can I put to you, Mr Moothedath, that's why – you can't locate it because it never existed did it?---(No Audible Reply)

It never existed the Schedule A?---No, this Schedule A is a C100 company's document not our document.

20 What I'm suggesting to you is that - - -?---Yeah.

- - - Schedule A never existed. Do you agree with that or not?---I will have to check with the C100 company, you know. I think it existed because Schedule A should have the per day rate so - - -

MR HUNT: I suggest this was - - -?---Yeah.

- - - designed – contracts in this form was designed so that the contractor would never come to know what the actual daily rate was that was being  
30 paid?---Who – I mean when you – when I – can I ask you who designed it?

No. It's not my business?---Yeah, because we haven't done anything. We haven't done any contract. This is a contract by C100 company so - - -

A piece of housekeeping, Commissioner. There were some mobile phone numbers mentioned.

THE COMMISSIONER: Yes.

40 MR HUNT: And an address.

THE COMMISSIONER: Yes.

MR HUNT: Could they each be the subject of a suppression order.

THE COMMISSIONER: The mobile phone numbers that were read onto the transcript and the address are suppressed from publication pursuant to section 112 of the Independent Commission Against Corruption Act.

**THE MOBILE PHONE NUMBERS THAT WERE READ ONTO THE  
TRANSCRIPT AND THE ADDRESS ARE SUPPRESSED FROM  
PUBLICATION PURSUANT TO SECTION 112 OF THE  
INDEPENDENT COMMISSION AGAINST CORRUPTION ACT**

10 THE COMMISSIONER: Mr Moothedath, I want you to be very, very clear  
about what's being put to you because I want you to understand – I know  
that you're not legally represented and I don't want you to be under any  
misapprehension about what's being suggested to you. It is being suggested  
to you that in several respects in the course of your evidence today you have  
lied to the Commission and there are findings that the Commission might  
make at the end of this process about whether or not you have told us the  
truth and if we get to the point where we make a finding that you have not  
told us the truth you are liable to be prosecuted for an offence which carries  
a custodial penalty. That means that if you are convicted it is open to  
somebody to send you to gaol. Now, I'm telling you that because I want  
you to be completely and utterly familiar with what it is that's being done  
20 here and why these questions are being put to you?---Yeah.

So can you please reflect on that before we finish this questioning. Do you  
understand what I'm saying?---Yeah.

Are you sure you understand?---Yeah. I have been completely truthful.

You completely understand?---Yeah.

30 Thank you. Yes, Mr Hunt.

MR HUNT: Could we interpose Ms McNally now and the witness can  
stand down.

THE COMMISSIONER: Yes. Mr Moothedath, I think if you could just  
stand down and take a seat. We have another witness that we need to call at  
this particular time and then you will be asked to return to the witness box?  
---Yeah.

40 **THE WITNESS STOOD DOWN** **[12.05pm]**

THE COMMISSIONER: Is Ms McNally – oh, she's on her way.

MR HUNT: She's here.

THE COMMISSIONER: Just come forward, Ms McNally. I'm sorry to  
inconvenience you but if you could just bear with us for a moment.

Ms McNally, I just need to explain to you that the Commission is about – or at least Counsel Assisting the Commission is about to ask you a series of questions and you have no option of refusing to answer the questions truthfully. They must be answered truthfully and because of that you might take the option of objecting to each and every question as it is asked and in that way your answers couldn't be used against you in any civil or criminal proceedings but I can also make an order which operates as a blanket objection to all of your answers and so you don't need to take that objection yourself and in that way your answers can't be used against you in civil or criminal proceedings. But you need to be aware that the order doesn't protect you from the use of your answers against you if it should be found that you have given false or misleading evidence. You understand that?

MS McNALLY: I understand.

THE COMMISSIONER: All 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 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, Ms McNally?

MS McNALLY: Affirmed.

THE COMMISSIONER: Can we have the witness affirmed please.

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Is your name Patricia Anne McNally?---Yes, it is.

And is your middle name spelt without an E?---Yes.

10 Thank you. And do you work at Paxus Australia Pty Limited?---Yes.

And have you worked there about 20 years?---Yes.

Has most of the work you've done for Paxus been administration work of one kind or another?---Yes.

Have you ever had a field position out as an account manager or - - -?---No.

20 - - - actively involved in the recruitment - - -?---No.

- - - side of the business?---No.

I think your title is now called a customer care co-ordinator. Is that right?  
---Contractor care.

Contractor care?---Yeah.

30 Just keep your voice up a little if you would, Ms McNally?---Oh, sorry.  
Yes.

You've got a soft voice. Could you describe circumstances in which you would have contact with somebody from outside the Paxus organisation in terms of administration of contracts. So timesheets, things like that. What involvement would you have in that aspect of the Paxus business?---Okay. Well, I deal of course with the contractors regarding their timesheets once they've started with us and when contractors are usually coming up for renewal sometimes the account managers contact the clients and sometimes I do just to see if they're renewing the contract.

40 All right. And what about if there's another company acting for the contractor so that there's a subcontracting recruitment company between Paxus and the ultimate contractor, would you have dealings with a company like that?---Like a management company?

Yes?---Yes.

For the same sorts of things?---Well, yes, yes, because you, you have to sort of organise the contracts and if they're coming up for renewal you usually

10 speak to the contractor to let them know that the renewals come in and then the contract's done to the management company.

10 All right. And at the time an initial contractor's engaged and there's contracts between Paxus and the client and Paxus and the contractor or a company on behalf of the contractor how do you get the information to put in the contract when you're preparing the contracts?---The recruiters or account managers set the job up in the system and that has the dates and the rates in there and then from that I produce a, the contract is produced from the system using the rates that are in the system.

All right. Is there a convention in terms of the contract between the client and Paxus as to whether you will sign that contract on behalf of Paxus or whether or recruitment agent or consultant will sign it?---With, with new starters often the account managers like to sign it themselves but with extensions and that I'll usually just sign the old C100 or as it is 007 order.

20 All right. And is there a convention in terms of contracts that are prepared between Paxus and the contractor or a company on behalf of the contractor in terms of who signs that kind of contract for Paxus?---Generally, I, I sign on behalf of the managers because I have it on my desktop and I just copy it across so we can then scan the contract straight through rather than having to print it out and then sign it, yeah.

All right. And I think once upon a time before technology caught up with us you used to physically sign those contracts but then you now have an electronic signature - - -?---Yes.

30 - - - that you transfer over?---Yes, yeah.

In terms of the detail that's populated into that contract in terms of sums and the parties and so on, where do you get the information for that from?---You mean the conditions, the termination conditions or rates?

Yeah, the - just things like the daily rate and so on?---Oh, that, that comes from the system.

40 And in the normal course will the contract between the client and Paxus and the contract between Paxus and the contractor or the contract company for the contractor both have the same daily rate on them - - -?---No.

- - - apart from margins being indicated?---Yeah, the client rate, the client will have the rate which includes the margin and the payroll tax, workers comp and that sort of thing so - - -

All right. Can I just show you one example of a contract, Ms McNally?  
---Oh, excuse me, I need to get my glasses.



Oh, yes?---Sorry, I forgot.

Can the witness just approach her handbag please, Commissioner?

THE COMMISSIONER: Yes.

THE WITNESS: Right, yeah. Right, yes.

10 MR HUNT: All right. This example has the signature blocked out for confidentiality reasons but if you accept that Samuel Williams' signature is underneath that redacted black box?---Okay.

Is that an example of a contract between a client and Paxus?---No, no, with a contract – no, this is with the contractor.

Oh, I'm sorry?---The contractor, for the client we use orders usually. This is just a contractor, yeah.

20 No, I'm sorry. So that, that one discloses a daily rate on it?---Yes, yes.

I now want to show you another document and what I'll do is the witness is going to be shown page 81 of volume 9 in a redacted form, Commissioner, but I'll just show the witness an unredacted copy of this one.

THE COMMISSIONER: Yes.

30 MR HUNT: Now just comparing that with the last document that disclosed the daily and had Mr Williams' signature on it, do you see this document? ---Yes.

And that's got a different formulation in terms of the daily rate as per schedule A?---Yes.

40 First of all in terms of your work experience at Paxus over those 20 years is that a usual formulation?---With some, with some, what do you call them, contractors, contractors or the management companies they do ask for a contract without a rate on. I think working in my area I don't know whether I've actually come across but I know some of my colleagues have had to do contracts which they want a different rate, a contract with no rate for the actual consultant and a contract with a rate on for the contractor which is the company, the management company.

All right. In terms of this one are you able to remember how it was that this contract came to have a schedule A on it rather than an actual rate?---Yeah, actually, because when I came last time I couldn't remember but I had a look at my, the notes and Canberra Solutions had asked me to do two contracts, one with a rate on and one with no rate on.

All right. When you, when you came last time you told us that Samuel Williams had instructed you to prepare the contracts?---No, I, I said – well -  
- -

MS McGLINCHEY: Excuse me, can I just object.

THE WITNESS: - - - I can't remember.

10 MS McGLINCHEY: Perhaps the witness could give her evidence. She has given a clear answer to that question.

THE COMMISSIONER: Well, look, Counsel is entitled to probe if he has an inconsistent statement. We'll get there in the end.

MS McGLINCHEY: All right. Yes, fair enough.

20 THE COMMISSIONER: Yes, go on, go on Ms McNally, you were about to explain?---Sorry, yes, when, when it came up before I couldn't – you know, you, you – it's a while ago, I couldn't remember what the actual, what had actually, where this came in of having a contract with no rate on it but today I actually had a look at the records and there were notes attached to them which said that Canberra Solutions had requested a contract with, one with the rate one which they signed and one with no rate which the consultant signed.

MR HUNT: All right?---Yes.

30 So is it the reality that coming today you've had a chance to look at more records than you had consulted when you gave your answer on the last occasion about - - -?---Yes, yes.

And back then you were doing your best from memory - - -?---Yes, yes.

In terms of the documents that you've consulted does it seem that somebody from Canberra Solutions contacted you at the contract administration phase about that?---Yes, yes, yes.

40 And can you help the Commissioner about who from, have you got a file note as to who from Canberra Solutions was in contact about that issue?--- No, no, there was, there was someone, someone called, I think it was Sonata was one of the people I used to deal with but I had a system, a problem with my computer so I don't have any of my emails prior to about 2013 so I can't sort of find my emails but that was one of the people that I had on the front of someone's record.

All right. And - - -?---But I think that was one of the people I used to deal with.

And can you tell from your note whether it was a telephone contact or an email contact from Canberra Solutions asking about this?---I'm, I'm, I'm not sure, I would say maybe an email because they tended to email things but I, I would think it would have come via email 'cause I just wrote it on the, the job that that what was needed.

And did you do that for any of the Paxus clients that were for Canberra Solutions, did that become the practice?---Yes.

10 All right?---Yes.

And if investigators from the Commission wanted to access the extent to which you've got notes about that you'd be able to provide them on the right - - -?---Yes. They're not, yes, they're not that specific, there's just a note saying such and such requested and I'm not sure if that note went onto each of the jobs but it followed through that that's what's happened.

All right. But you found it on a job so that you were satisfied that that's how it came about?---Yes, yes, yes.

20

And so you would now be confident that that's a direction that came to you from Canberra Solutions direct to you rather than via Mr Williams?---Yes.

And just to tidy something up. Procedurally you're here pursuant to a summons that's been served on you to attend today. Is that right?---Yes.

30 Are you able to help us as to why it was on the last occasion when you came here for a compulsory examination that your impression was that it was Samuel Williams that had that discussion with you?---I probably should've said "That I couldn't remember". Because I couldn't really remember. I know that, that we were dealing with Canberra Solutions but I wasn't quite sure at the time, yeah. I didn't really remember that well and I hadn't actually looked at the, the records before I came which I probably should have done.

All right. Can we just have a short adjournment, please, Commissioner?

40 THE COMMISSIONER: Yes. Just before we do that. I'm just wondering Ms McNally whether or not you prepared any document that was called a Schedule A?---No. No. I've never actually seen a Schedule A. I know that from other people that I'd work with they used that to put on a contract that had no rate on it but I never saw the actual backup of what a Schedule A was.

So, so when you had a conversation with someone from Canberra Solutions about these two different contracts there was never any instruction about the content of Schedule A?---No. No.

Yes. I'll take an adjournment. Just let me know when you're ready. Thank you.

**SHORT ADJOURNMENT**

**[12.21pm]**

THE COMMISSIONER: Yes, Mr Hunt.

10 MR HUNT: Just look at the document again for me, Ms McNally. In terms of Schedule A where it says "contract rate as per Schedule A", did you create a document that actually had a Schedule A?---No.

Schedule A never existed as far as this version of the contract was concerned?---No. No, that's right. Yes.

And that was for this reason, that the rate would be then not known to the contractor?---Yes, yes.

20 I'm just trying to understand, you accessed some documents before you came today that you didn't access before you came to your compulsory examination?---Yes. I hadn't – yeah, I hadn't actually looked at the job so much. I looked at the paperwork that was sent to you but I haven't actually gone into the actual jobs which I probably should have done.

And then you found some communication - - -?---Yes.

- - - either a copy of an email or some notes about Canberra Solutions - - -?  
---Yes.

30 - - - having been in touch with you directly about this?---Yes, yes.

Do you remember that – was your first involvement in this investigation at all when an investigator from the ICAC called you up to have a preliminary discussion before you came for a compulsory examination?---Yes.

And was that investigator Simon Berry?---Yes.

40 Do you remember that?---Yes.

And do you remember there being a discussion that included you inquiring whether there had been any contact with anyone at Paxus about it and Mr Berry telling you that there had been a communication with somebody called Jason Tredethick(?) about it. Does that ring a bell?---No. I know – knew that they'd been in touch with our branch manager and our HR manager. They told - - -

All right. What I'm going through - - -?---Sorry. Sorry.

- - - is not what you knew from other reasons but when, when you were talking to Mr Berry - - -?---Oh, no, he didn't mention Jason. He's, he's the I think CIO of the company. He didn't mention Jason Tredethick (?), no.

He told you didn't he, Mr Berry, that there was – one of the things that was of interest was a Paxus contract between Canberra Solutions and Paxus, you knew that's what you were being spoken to about?---Yes.

10 And I suggest that Mr Berry asked you whether you would sign contracts and you agreed that you would?---Yes.

Do you recall that?---(No Audible Reply)

And I suggest that you also told Mr Berry in that conversation that you recalled some years ago that Samuel Williams had spoken to you about this?---(No Audible Reply)

20 That's this issue. Do you remember that?---Oh, yes.

Saying that to Mr Berry?---Yeah. Oh, that's right. Yes, yes. I had to think for a minute what you meant, sorry.

All right. And that the conversation went on where you said to the – investigator Berry that Mr Williams had told you that they were doing something underhanded or words - - -?---No.

30 - - - to that effect?---No. What – after they'd finished and everything he said that they – what he'd actually said to me was there's some – were some issues at the University. He didn't actually say anything about underhanded or anything.

All right?---He just said there were some issues.

I'm not - - -?---But I don't know what they were.

I'm not now going to whatever - - -?---Yes.

40 - - - it was that Mr Williams actually said to you?---Yes.

I'm asking you whether you agree that you told Mr Berry that Samuel Williams had said to you that Canberra Solutions were doing something underhanded?---No, no. No, I didn't say that. No, he said, he said – I said it was the University that were having issues.

And I suggest - - -?---I don't recall saying about that.

I suggest when you were asked about that - - -?---Yes.

- - - that it was made clear that – when, when you were asked when he said that that you said it was years after the signing of the contract. In other words, it was an after the event conversation?---After – yes, after the contractors - - -

Does that make sense?---Yeah. After the contractors were no longer there he just said something in passing that there were some issues with Sydney University.

10

All right?---And he may have mentioned Canberra Solutions. I can't remember. It wasn't - - -

Well, didn't you tell Mr Berry - - -?---You know, it was just in passing.

- - - that you'd got the impression from Mr Williams that the contractors were not being paid properly?---No, no.

20 That they were doing the doge?---No, no. No, I didn't say, didn't say that. I just said that there were some issues. I didn't know what the issues were.

Yes, that's the evidence.

THE COMMISSIONER: Does anyone have any questions for Ms McNally?

MS McGLINCHEY: No, thank you, Commissioner.

30 THE COMMISSIONER: No. All right. Thank you, Ms McNally. You may step down. You're excused?---Thank you.

**THE WITNESS EXCUSED**

**[12.34pm]**

MR HUNT: Subject to anything Your Honour thinks I've got no difficulty with Mr Williams now being excused.

40 THE COMMISSIONER: Yes, all right. Well, he can be excused.

MS McGLINCHEY: Thank you. Thank you, Commissioner.

THE COMMISSIONER: Yes. And can we have Mr Moothedath back in the witness box please.

THE COMMISSIONER: I just need to remind you, Mr Moothedath, that you are still under an obligation to tell the truth and the section 38 order still applies?---Yeah.

MR HUNT: Just look at this document if you would. It's volume 9, page 81 again. See that document?---Yeah.

10

See Schedule A. Have you been in the hearing room - - -?---Yeah.

- - - the last little bit?---Yeah.

Okay. Have you heard Ms McNally's evidence from Paxus that Schedule A to this contract never existed?---Right.

You heard that evidence?---Yeah.

20

Do you concede that Canberra Solutions doesn't have any Schedule As in relation to contracts of this kind?---(No Audible Reply)

Do you concede that?---I thought this – the one with the rate was the Schedule A and one without the rate is - - -

Just look at that document. Look at the document on the screen?---Yeah.

You've just heard evidence from Paxus that Schedule A never existed as far as Paxus was concerned. You heard that didn't you?---Yeah, I think, yeah.

30

All right. Do you, do you know what the word "concede" means?---No.

All right. Do you agree that Canberra Solutions never had Schedule As – a Schedule A to this contract?---It says contract rate as per Schedule A.

Just listen to me?---Yeah.

Do you agree - - -?---Yeah.

40

- - - that Canberra Solutions never had a Schedule A to the contract that you're being shown on the screen?---I think Schedule A exist because that's where the contract rate is so – which you just showed - - -

All right. Well, we'll show – I'll show you another document?---Yeah.

Can we have the other contract please.

THE COMMISSIONER: Mr Moothedath, if it exists it follows doesn't it that if Ms McNally's evidence is correct she didn't prepare a Schedule A so if it exists at all it would be because Canberra Solutions prepared a Schedule A?---No, we didn't prepare any Schedule A. It is always from the C100 companies.

10 All right. Well, you keep saying that but you see Ms McNally has just said that she never prepared a Schedule A to that contract. She was asked by someone from Canberra Solutions to prepare two contracts, one with the  
10 rate on it and the other one with no rate on it. She was told to do that and that she was never told to prepare a Schedule A and she didn't prepare a Schedule A. You just heard that evidence didn't you?---No, I heard that that's how normally she does it for companies.

No, no, no. No, Mr Moothedath?---Yeah, yeah.

I'm sorry?---Yeah.

20 That was not her evidence. She was asked about that particular document?  
20 ---Yeah.

She said she was told by someone from Canberra Solutions to prepare two contracts, one with a daily rate, one without the daily rate and that she was never told to prepare a Schedule A. There was no such document. You heard her say that didn't you?---I, I – this is what I heard. I mean let me – what I heard was this is the normal – for all the companies who has a contractor under – I mean a consultant under a contractor this is how normally they prepare. That's what I heard.

30 Well, I don't know where you got that from, Mr Moothedath. But just let –  
30 put that to one side.

MR HUNT: All right. Just have a look at this document.

THE COMMISSIONER: Just put it to one side and have a look at what's on the screen?---Yeah.

40 MR HUNT: This is a document – he's being shown page 37 of volume 9. This is a document that relates to Mr Parekh's retainer on contract through  
40 Paxus with the University of Sydney. Do you agree?---Yeah.

And it has Canberra Solutions as the name of the contractor. Correct? Up the top?---Yeah.

Then it has the consultant as Mr Parekh?---Yeah.

And then when you go down to contract rate it's got a contract rate there, doesn't it?---Yeah.



And that's the actually proper, commercial contract rate that was being paid by the University for Mr Parekh contracting to them. Correct?---Yeah.

That's right, isn't it?---Yes. And this is the schedule A, what I thought, this document.

Why are there two contracts? They're both with Paxus, they're both with your company, they're both in relation to Mr Dhawal, aren't they?---Yeah.

10

And they're both in relation to the same contract?---Yeah.

You're the – you say you're the person that was pulling the strings and doing everything that was effectively the real work of Canberra Solutions Pty Ltd?---Yeah.

In 2012 and 2013. Correct?---Yeah.

Why were there two contracts?---Because - - -

20

I'll say that again. Why were there two versions of the one contract?---Because that's the Paxus's standard format.

But you just heard evidence that it's not their standard format?---No. I, I - - -

All right. That this was an exception driven by a request from Canberra Solutions?---No. I also clearly heard that there are other companies - - -

30

All right. Let's not debate what the evidence is. Did you ask Paxus to create an alternate version of this contract that's on the screen that didn't disclose the daily rate? Did you do that?---Yeah. I, I wanted a contract – they had, that's how they wanted a signature of the contractor - - -

You're not answering my question?---Yeah.

Did you – did you request on behalf of Canberra Solutions, Paxus to prepare two versions of the contract in relation to Mr Dhawal?---Two versions of contract one with the rate and one without the rate?

40

Yes?---Probably.

Probably?---Yeah.

Why would you do that?---Because we don't want the - the contract is between us with the rates and that is not the same contract that we are having with our consultant.

All right.

THE COMMISSIONER: That's the nub of it, isn't it? You didn't want the contractor to know the real daily rate? That's what you just said?---Yeah. Probably, yeah.

MR HUNT: All right. And you think you did that rather than Sonata, is that what you're saying?---No, Sonata hasn't, had no involvement on that.

10 Are you sure about that part?---Yeah.

You heard about the evidence of the last witness, didn't you, about notes, about communications from Sonata on that issue?---Yeah. I've clearly said that, you know. All the communications returned by --with Sonata is in the signature, I've been dealing with that.

20 So all these decisions to keep the contractors in the dark about the true rate are your decisions?---No. We didn't want to keep it in the dark. It's, it's our, our company's decision you know, what is the rate and that is between the C100 and us. We didn't want to keep them in the dark.

Well hang on. You did want to keep them in the dark, that's why you'd got the second version of the contract that didn't have the rate on it. Isn't that right?---I mean if you, if you want to argue that way, I don't know.

30 I don't want to argue it but I thought you said to the Commissioner that that was the reason you did this was so that one would disclose the rate as between you and Paxus and another version of the contract so that the actual contractor would not know their rate. Is that right?---No, they don't need to know the (not transcribable) and other aspects. All they need to know is their, you know, so this, some other aspects as well.

THE COMMISSIONER: Mr Moothedath, whether they need to know it or not - - ?---Yeah.

Forget about what they need to know?---Yeah.

40 By giving the instructions that you gave to the C100 company to prepare the two contracts in that form, the effect of that instruction was that the contractor would never know the rate that you were being paid. Isn't that right?---Yeah.

That was the effect of it, wasn't it?---Yeah. The effect was, yeah, contractor would not know, yeah.

MR HUNT: To the extent that you say you "probably" instructed Paxus in that way, who did you instruct at Paxus to prepare the contracts that way?--- I don't remember who I instructed. I said, you know, "We need a contract",

and you know, normally Samuel, that's the person I was dealing with. And Samuel used to, you know, give instructions to, you know, Trish, yeah.

How did you know he gave instructions to Trish?---Because at times he said "No. I've asked the – her to" you know, "create the contract" and all that. Yeah.

And this was something that you did in relation to any contractor that went through Paxus. Correct?---Yeah. I think so, yeah.

10

Do you want to revise, that is change the evidence that you gave about Pooja and her employment with Canberra Solutions?---No.

You maintain that you did not receive cash from Pranav Shanker from time to time while Pooja Naik was on the books as an employee at Canberra Solutions Pty Ltd. Correct?---Yeah.

20

Did you, that is Canberra Solutions, place contractors with other organisations apart from the University of Sydney before you commenced to deal with Mr Meeth?---Yeah.

What was the total value of contractors that you placed at any time with other companies before you commenced to deal with Mr Meeth?---Maybe like – as I said, maybe less than \$50,000.

\$50,000 total revenue?---Yeah, yeah.

30

And across, how many candidates did you place with other organisations apart from the University of Sydney at any time?---Other organisations, yeah?

Yeah. How many candidates in total?---Before that?

Yeah?---It was not a placement. I think it was like a piece of work or something you know which we (not transcribable).

All right. So how many?---Maybe two.

40

Two?---Yeah.

And what about during the time that you were dealing with Mr Meeth, did you place contractors anywhere other than the University of Sydney?--- Yeah, the (not transcribable) and you know - - -

To a total of \$7,000 of income?---Yeah. That is one and then, you know, probably the 3K Corporation also. I mean probably, yeah.

All right. Well that wouldn't have been in the financial year to the end of 30 June, 2013, would it?---Yeah. No, no. It is not – the income would have not been. I don't know how the contract was, you know.

And you didn't provide however you describe it, recruitment, procurement, anything that put candidates forward to Mr Meeth at any other time apart from when he was at the University of Sydney, did you?---No.

10 So when he was at Aristocrat and you were at Aristocrat, you didn't provide any candidates for contract work there, did you?---Yeah. So when he was working in Aristocrat, yes, we have done some work there.

You were working personally as a contractor at Aristocrat, weren't you? ---Yeah. I was the engagement manager for the company there.

All right. But contracts – Canberra Solutions wasn't putting forward candidates to Aristocrat, was it?---Canberra Solutions, yeah. We had a piece of work that had to be done. Yeah. So we have put in, yeah.

20 Well you were supplying some hardware, were you to Aristocrat, iPads and things like that?---Yeah. There was, yeah, some - - -

Yeah. You weren't, you weren't providing personnel by way of ICT contractors to Aristocrat, were you as a company?---No, no, no. It was like a software testing service, yeah.

Yeah, you weren't providing candidates as contractors were you?---Not candidate, like a service, yeah.

30 All right. And you didn't provide ICT candidates to Mr Meeth while he was working at the Cancer Institute did you?---No.

How many in total candidates did Canberra Solutions put forward to the University of Sydney during the period that Jason Meeth was working there?---Maybe seven or eight.

All right. I'll just show you a list, Exhibit E2 please, Madam Associate. Are they all candidates that Canberra Solutions had some involvement with in putting up?---Yeah.

40 Can you think of any other names apart from the names that are there that Canberra Solutions put up to University of Sydney?---They're been contracted to the University of Sydney.

Can you think of any other names - - -?---Yeah.

- - - of potential contractors that you put up to the University of Sydney apart from the people on that list?---Yeah, I can't remember any but I think we, we had some other people as well.

Did you have involvement with a candidate by the name of Ben Hall?---Ah, Ben Hall I vaguely remember that name.

Right. Was he on your books?---No, he was not on my, our books.

10 All right. So why would you remember Ben Hall?---Ah, I think that was one candidate I think we put, put to, to University of Sydney not as an employer or something, I mean, as an employer, it's just as a, a candidate, you know, we put it I think.

So you did, you did have - - -?---No, not an employee, no.

As a contractor, you put him up as - - -?---No, we didn't have a, a contract, as a contractor, no.

20 No, but did you put him up for interview?---Yes, I think so.

All right. How did you, how did you come in contact with Ben Hall, how did he come to you?---I, I, don't, I don't remember exactly how did he come to us.

Well, was it a network meeting, was it one of your friends from overseas that introduced you? How did you come to have him as a potential candidate on the books of Canberra Solutions?---No, we haven't had it, had it, had him as a, as an employee of Canberra Solutions.

30 No, I'm not saying he was employed but you put him up did you - - -?  
---Yeah.

- - - to the University of Sydney?---Yeah, I think so, yeah.

As a potential - - -?---Candidate, yes.

- - - candidate. How did he come to you?---I can't remember how, how did he - - -

40 Did Jason Meeth suggest that he deal with you?---I can't remember.

Well, did Jason Meeth send any contractors to you, that's you, Canberra Solutions?---I, it's, again, like two, three years ago, I can't remember.

Well, you, you were the one who was supplying or your company - - -?  
---Yeah.

- - - was supplying candidates to him, correct?---Yeah, yeah.

So it'd be memorable wouldn't it if he sent a candidate to you?---He might have, I don't, I don't know whether he has, he might have.

All right. Now have you paid any cash money to Jason Meeth?---No.

10 What was in it for Jason Meeth to keep appointing your candidates to roles at the University?---That is probably a question, I don't know whether – to him, not to me.

Do I assume - - -?---I thought it's like all, everybody put their candidates and then we put our candidates as well, that's what I thought.

Yeah, but you know a lot of your candidates were pretty inferior candidates because they'd worked for three and four and \$500 a day, you knew that didn't you?---No, I don't think they were inferior candidates.

20 You didn't think they were inferior?---Yeah.

Did you think they were superior?---Oh, they were very good, good candidates, yeah.

So what sort of process did you undertake to work out that they were good candidates, what sort of things did you do to work out that say, Mr Tahu, Sahu, was a good candidate?---Oh, that I've, I've seen him, you know working in a good capacity and, you know, I've seen him work in the previous company that I used to work.

30 Well, well, he, his – he was sacked because he wasn't up to the mark wasn't he?---No, I wouldn't say that.

You wouldn't say that?---No.

What about Adhi, would you agree that Adhi was sacked because Adhi wasn't up to the mark?---No, I wouldn't say that.

40 Well, why did her contract stop?---I have no idea. What I heard is that there's some politics there in the University and, you know, some were against her, you know.

So you don't accept that the person who's known as Adhi - - -?---Yeah.

- - - was discontinued because she wasn't up to the mark as a contractor?---No, I don't think so.

And you don't accept that Tarunesh Sahu's contract was discontinued because he, he wasn't up to the mark?---No.

THE COMMISSIONER: Who did you, who told you that it had something to do with the politics at the University?---The candidates.

The candidate told you that?---Yeah.

That it had something to do with the politics at the University?---Yeah.

10 And how was it that you were able to say whether the candidates that you put up were better than the candidates from the other C100 companies? Did you know who the other candidates were?---No, I don't know who were the other candidates.

So you had no idea really did you, because you didn't have access to the - - -?---No.

20 - - - rest of the field, all you did was put one candidate up from Canberra Solutions who went into an interview process with maybe half a dozen other people?---Yeah.

You didn't know anything about them?---Yeah, yeah.

So for all you knew the candidates that you were supplying were grossly inferior to the other candidates that were being interviewed?---No, I didn't, sorry, I didn't get that question.

30 For all you knew the candidates that you were putting up for this interview process could have been grossly inferior to the ones that were being supplied by other C100 companies, you didn't have any way of knowing did you?---I, I thought personally they were all very good candidates, you know and - - -

I know that but I'm not asking you about that. You had no way of knowing whether your candidates were completely and utterly inferior to the other candidates who were being interviewed because you didn't know who they were?---Yeah, I didn't know who the others were, yeah.

Right.

40 MR HUNT: All right. And you didn't want any of your candidates to talk to the C100 consultants because you didn't want any discussion about what the daily contracting rate was that was payable, correct?---Ah, I don't know, I, I - - -

You don't know?---Yeah.

All right. Did you ask Mr Shanker this year to sign and date a contract? ---This year?

Yeah?---This year - - -

Just to be clear - - -?---Yeah.

- - - did you ask Mr Shanker in 2015 to sign and date a contract that related to his retainer as a contractor by the University of Sydney in 2012/2013?  
---I might have probably for a copy, you know, I might have asked for a thing because I can't find the, the other copy, I might have asked him, yeah.

10

Why would you do that? That must have been – I withdraw that. That must have been for the purposes of this investigation, correct?---No, I, I was checking all the, you know the documents and then maybe, you know, if the document was, I couldn't find the document.

Mr Moothedath, there is no reason in terms of business, tax or accounting that you would need to be reviewing documents about Mr Shanker and his contract with the University in 2012/13 is there, you agree with that?

---Yeah.

20

It must have been because you were trying to fix things up as between your records and this investigation, correct?---No, I don't think so, it's just all the records, if I couldn't find the document you know.

All right. To the extent that you say that it might have happened, are you prepared to concede, agree with me that you did that this year?---Yeah, I might have, yeah, as I said yeah - - -

30

Not, not I might have, did you?---Yeah, if I couldn't find it, then I might have asked.

Okay. I'm not interested in might have, might have is a possibility. Do you agree that might have means it's possible?---Yeah.

Right. I'm saying to you, do you agree that you did get him to sign and date a contract this year about his contract with the University in 2012/13?---  
That he has signed in the past? The same contract that he has signed in the past?

40

I'm not asking you that.---Yes.

I'm asking you, do you agree that in 2015 you asked Pranav Shanker to sign and date a contract that related to the period that he was retained as a contractor by the University of Sydney in 2012/13?---Yeah, I might have been, because if it, I couldn't find it I might have asked him to can you - - -

Did you?---Yeah.



I'm not asking you whether it's a possibility, I'm saying, did you ask him to do that?---I might have, as I said, I can't remember firmly, yeah.

Well, have you asked any other contractor this year to sign and date contracts that date back to 2012/2013?---No.

It would be a rare incident wouldn't it - - -?---Yes.

10 - - - for that to happen, to sign somebody up to something from years ago, that would be rare?---Yes.

It would be only time it happened this year on your evidence, correct?---No, see, I, I was - - -

Do you agree that it would have – if you did it, if you haven't asked any other contractor and you, that asking Mr Shanker would be the only example this year?---Ah, if I, I might have checked with him whether he had a copy of the contract, yeah.

20 Did you ask him to do it?---To sign that date?

Yes?---I, I have asked him to get the contract from the day he signed and if he has not got that copy he might have signed it and given it to me.

All right. And when did you ask him to do that?---It might have been, you know, anytime.

Forget the might?---Yeah.

30 When did you ask him to do it?---Maybe a couple of months back.

All right. So more recently than when you met him in the car?---Yeah, probably.

And you asked him to do that to do with this investigation, correct?---No, not to do with the investigation.

40 Well, why did you ask him to do it then?---I said I wanted, do you have the copy that he has signed - - -

THE COMMISSIONER: No, the question is why, why did you ask him to do it this year?---I said I can't find a copy so can you give me the copy that you signed.

Why were you looking for the copy? Why were you looking for the copy this year?---Yeah, I was looking for the ICAC.

Thank you?---Yeah, yeah.

MR HUNT: Yeah. And so you got him - - -?---Yeah.

- - - to sign a contract and date a contract that you gave him that already had Sonata's details on it?---Yeah.

And you got him to do that to put your records in order to do with this investigation, correct?---Yeah, I might have, yeah, so I, I - - -

10 Well, did - - -?---I asked just whether he has the copy that - - -

Sir - - -?---Yeah.

- - - I think you've agreed you did it?---Yeah.

You've agreed you did it because you were looking for records for this investigation?---Yeah.

20 And I suggest you did it to create a record to fix up your records because of this investigation and that's right isn't it?---I wanted all the records, you know, and I couldn't find his signed copy, ah, yeah, so I, yeah, that's, yeah.

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

So you're agreeing with the proposition?---Yes.

Can we take lunch please, Commissioner?

30 THE COMMISSIONER: Yes. We'll take the luncheon adjournment and resume at 2 o'clock.

**LUNCHEON ADJOURNMENT**

**[1.04pm]**