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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 FRIDAY 13 NOVEMBER, 2015

AT 10.07AM

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

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: I call Jason Meeth.

THE COMMISSIONER: Yes, just take a seat, Mr Meeth.

I take it, Mr Dennis, that Mr Meeth wants the protection of a section 38 order?

10 MR DENNIS: Yes, Commissioner, and he will take an affirmation.

THE COMMISSIONER: Thank you.

Mr Meeth, I just need to make sure that you appreciate that the order under section 38 protects you from the use of your answers against you in civil or criminal proceedings but does not protect you in the event that it should be found that you've given false or misleading evidence. You understand that?

MR MEETH: I do.

20

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

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

40

THE COMMISSIONER: Yes, can we have the witness affirmed, please.

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Thank you, Commissioner.

Tell the Commission your full name, please?---Jason Peter William Meeth.

10 And, Mr Meeth, not limiting yourself to matters known in 2012 or 2013 but dealing with any time up to today's date would you tell the Commission what you know about, if anything, concerning suggestions that Canberra Solutions or Balu Moothedath or Sonata Madambikat Devadas or any of them were involved in taking bribes generally?---I don't know anything about them taking bribes.

What about any conversations with Mr Moothedath, that is either personal or telephone conversations between yourself and Mr Moothedath to do with any issue to do with bribery or bribes?---I can recall a telephone
20 conversation, I can't recall exactly when where Mr Moothedath made a comment about taking bribes, I took this as a joke.

All right. Well when was this conversation?---I can't recall.

Well, when in terms of a calendar year?---I can't recall, I'm sorry.

Well, was it 2012/'13 or 2014/'15?---2014/'15.

All right. Out of 2014 and 2015 what was the context in which you were
30 speaking to Mr Moothedath?---The context was, I can't remember who called who, but the context was I was interested in a market update and potentially if he had any good candidates available.

Okay. So what position were you in when you were interested in having a market update from Mr Moothedath?---I can't recall.

Mr Meeth, you rang him for a market update about candidates, you must be able to remember what position you occupied in what organisation when you made that call? Can you please tell the Commissioner?---I can't recall
40 when it was.

THE COMMISSIONER: Well, you'd obviously left Sydney University. Well where did you after that?---Worked for RMS and then I worked for Gen-I, then I worked for the Cancer Institute. I can't recall which one of those it was.

MR HUNT: All right. Was it this year that this call happened?---I can't recall.

How did you get onto – I'll withdraw that. Was it at a time when you were aware that ICAC was investigating circumstances to do with contracts at Sydney University?---No.

Was it in the context of the conversation, a conversation that put you on notice that Moothedath was aware of some investigation or another in relation to issues to do with contracts at the University of Sydney?---I can't recall the exact context of the conversation and I can't recall if it was - - -

10

All right. Well you remember enough the conversation to give instructions to your lawyers so questions were put to Mr Moothedath about it yesterday. Correct?---That is correct.

All right. So just, best you can, verbatim indicate to the Commissioner what you said to him and what he said to you when the conversation came to the topic about bribery? Putting to one side your interpretation of it being a joke?---I believe I said something along the lines of and this is from memory "We've got nothing to worry about. We haven't done anything wrong. I don't know what you're worried about"?

20

So that piece of conversation assumes conversation from Mr Moothedath about him being worried. Is that right?---It appears so.

All right. So what did he say to make you respond in that way?---I can't recall.

THE COMMISSIONER: Mr Meeth, I take it that you reject the suggestion that you were a party to any bribes that were paid?---I do reject that.

30

And I take it that you would reject that suggestion in relation to any of the roles that you've carried out at any time?---I do reject them.

And so you would have had no other occasion in your life where anyone had said anything to you about taking bribes in the course of your employment?---No.

So this is a very singular conversation, isn't it?---It is. That's why I remember him saying it.

40

Right. Well, let me just ask you this. Did this reference to bribery come completely out of the blue from Mr Moothedath, did it?---My interpretation of it, he was just joking.

Well, I'll come back to my original question. Is this the first and only time ever in your dealings with a company that supplies candidates for your purposes, that anyone has ever mentioned the word bribery?---Yes, Commissioner.

Right?---That I can recall.

Right. And so you say you thought he was joking?---I do, yes, Commissioner.

Right. But your response was “We’ve done nothing wrong. We’ve got nothing to worry about”?---That’s correct, Commissioner.

10 You didn’t say “What the he’ll are you talking about”?---No. I took it as a joke, Commissioner.

Right. Yes, Mr Hunt.

MR HUNT: So you felt in the context – I’ll withdraw that. I still don’t understand what was – you’ve said, haven’t you, that your saying “We’ve got nothing to be worried about”, preceded the bribery comment. Is that right?---No, that’s not correct.

20 All right. So Moothedath, out of the blue said something, what did he say again?---I can’t recall exactly what he said. But he did make a joke about bribery.

Well tell us what he said to the best of your recollection?---I believe he said, I can’t, I can’t recall what he said, I’d be guessing.

All right.

30 THE COMMISSIONER: Well, not the actual words but the sense of what he said?---I’m sorry, I can’t recall what he said and I can’t recall - - -

MR HUNT: I mean apart from the – sorry. I didn’t mean to cut you off, go on?---I can’t recall what he said, that’s what I was just going to say.

All right. Well apart from the word “bribery” there was enough in the context of the conversation for you to understand that he was talking about him or his company paying bribes?---No. I don’t think so otherwise I would’ve, I think I would’ve interpreted the commented differently, I don’t think he would say anything like that.

40 So I accept that you don’t understand or now remember the exact words but can you give the Commissioner a sense of how it could be against a factual backdrop about him introducing the topic of bribery, you could interpret it as being a humorous comment?---Sorry, could you rephrase the question?

No?---I don’t understand the question.

All right. You understand the word bribery?---I do.

You understand that either the word bribery or bribes was used by Moothedath in his conversation to you?---Yes.

You understood that it was in some way connected with what, a suggestion that somebody had made that he'd been involved in bribery?---I don't recall. I don't recall the context.

10 What in the context enables you to draw a conclusion that it was a joke, that's what I'm getting at. Tell the Commissioner how you interpreted this to be something funny?---What else could it be?

It could be a serious concern about him being worried about coming to attention for paying bribes, couldn't it?---That's not how I interpreted what he said. I interpreted it as a joke.

20 THE COMMISSIONER: Mr Meeth, was this comment from Mr Moothedath about bribery was it said by him immediately after expressing some concern about an ICAC investigation?---He did in, I think it was the same conversation, mention an ICAC investigation.

Well, no. I'm not – I'm not asking whether he mentioned it. I'm asking you whether the comment about bribery was said immediately after he expressed a concern about an ICAC investigation? Was that the context within which the comment was made?---I, I can't recall if it was immediately after.

Well was it in the same conversation?---I believe it was.

30 So, so that's what in fact brought up the subject of bribery and Mr Moothedath saying something about an ICAC investigation?---I can't recall. I can't recall if that's why and that's when he said it.

MR HUNT: Look, sir, your barrister yesterday said to Mr Moothedath that he had said something to you to the effect that he was worried, it was put to him you were worried about ICAC. Now I assume that came from you telling Mr Dennis that you had the impression that Moothedath in that conversation was worried about ICAC. Is that true or not?

40 MR DENNIS: I object.

MR HUNT: I'm not worried about – sorry, it's - - -

MR DENNIS: I'm not worried about - - -

MR HUNT: I'm not pressing whether it was true what he said, Mr Dennis.

THE COMMISSIONER: No, no, no, no, there's a question of whether, yes.

MR HUNT: I'm saying was it true that you were left with the impression that Moothedath in this conversation had a concern about ICAC?---No, not really.

All right. And did he say to you something like, "What about all the bribes"?---He did say something like that.

10 And you never knew about the bribes before this conversation, correct?
---That's correct, that's correct.

So what is it about, "What about all the bribes," in the context of a possible concern about ICAC that struck you as a joke?---I couldn't think of anything else it could be. It was a bad joke.

And did you say to him it was a competitive process, you put forward the best candidates?---I did say that.

20 You saying that to him suggests when he met, he said to you, What about all the bribes, that you made a causal connection between his comment "What about all the bribes" and the dealings that you had done with him, correct?
---I can't say whether I made that causal connection or not.

Well, you would say, wouldn't you, in relation to when you were employed or contracted at the University of Sydney and dealing with Moothedath and Canberra Solutions that any recruitments were a competitive process in which Canberra Solutions put forward the best candidates, wouldn't you?
---Sorry, could you repeat your question.

30 What don't you understand?---Sorry, I missed the first part of your question.

The question is that your case is that to the extent that you for University of Sydney had dealing with either Moothedath or Canberra Solutions or both of them that Canberra Solutions put forward the best candidates in what was a competitive process?---I did say that to him, yes.

40 I'm not, I'm not asking you that. I'm saying that's your position in fact isn't it? You maintain when you recruited Canberra Solutions candidates for the University of Sydney that they were the best candidates put forward in a competitive process?---That is my position, yes.

All right. So when Moothedath raised the issue of bribes in the context of possible concerns about an ICAC investigation your first response was to deal with this joke about bribes by saying it was a competitive process, you put forward the best candidates, you've agreed with that?---Yes.

And on suggesting that what you said to him reflects what you say was the reality of Canberra Solutions dealings with you in relation to the University

of Sydney of Sydney contractors, correct?---I apologise, I don't understand your question.

What made you in response to something you understood to be a joke but including assertions of bribery respond by saying it was a competitive process, you put forward the best candidates? What was the link between those things?---I, I don't know what the link was but that's just the process that it was.

10 Why did you say it?---I don't know.

It must have been that there was some factual link between bribery in your mind and the recruitment process at Sydney University, it must be the case mustn't it?---No, I don't know.

20 THE COMMISSIONER: Mr Meeth, I just need to make something clear to you because it may be at the end of the day that the conversation speaks for itself, in other words you see the Commission would be entitled in the absence of any other explanation to draw the inference that your response to that suggestion of bribery by Mr Moothedath was a response that grew out of your relationship with him by way of providing candidates through Canberra Solutions to Sydney University and certain things flow from that so what Counsel is doing is he's trying to give you the opportunity to explain why you gave that answer if it wasn't referable to the fact that you had a business relationship with Mr Moothedath that only grew out of your placement of his candidates at Sydney University, that's what's being asked of you. Do you understand?---I understand, Commissioner.

30 Right. Go on, Mr Hunt.

MR HUNT: All right. Give any explanation you can as to why that would have been the response to a comment from Moothedath about bribery?---I, I can't recall why I gave that response, it would have been in the context of the whole conversation which I can't remember. I took that comment to be a joke and I think I would have said that to anyone had they, any recruiter had they said something like that to me regardless.

40 So are we to understand in response to a comment that you took as a joke that your response "It was a competitive process and you put forward the best candidates" was also a joke?---Well, it was the truth.

Well, was it a jocular response?---It probably would have been a jocular response.

Notwithstanding that you say it was the truth. Is that right?---It was the truth and it probably would have been a jocular response.

All right. So the best we know is that this conversation happened either some time in 2014 or earlier in 2015 than a time you became aware that ICAC were investigating, is that right?---No, I wasn't aware ICAC were investigating.

Just listen carefully, sir. You have been able to exclude this conversation happening in 2012 and 2013, correct?---Correct.

10 You have agreed it happened some time in 2014 to 2015, correct?---Correct.

From your memory you're not able to be more specific about the particular date, correct?---Correct.

But you say that it happened before you were on notice yourself of any investigation by ICAC, correct?---Correct.

When did you first become aware you yourself personally that ICAC were or might be investigating?---Probably about midway through this year.

20 And how?---I was issued with a summons to appear for a private hearing.

And is that the first you knew at all in terms of actual knowledge?---That I was being investigated by the ICAC?

Yes?---Yeah.

What about in terms of suspicion that you might be, was that any earlier than being, receiving that notice?---No.

30 All right. And did you get the impression in this conversation that you had with Moothedath that he had through his network got some inkling or suspicion or paranoia about a possible ICAC investigation?---I think that's probably fair. He did mention it, as I say he did mention it to me - - -

All right?--- - - - either he was paranoid or someone had told him.

Step us through from you left the University July, 2013 and you went to RMS?---Yep.

40 How long were you there? Did you go there straight from Sydney University?---From memory I did, yes.

And how long were you there?---From memory about 10 months.

And what was your role there?---I was a general manager of a new branch called Business Review and Improvement.

Were you recruiting ICT contractors in that position?---No.

Did you have any involvement in a business sense with Canberra Solutions or Moothedath in that period?---No. I believe I did contract him for like, a market update.

What does a market update mean?---Just to sort of get a, an indication of what kind of candidates are available in the marketplace, what kind of rates people are charging, and that type of thing.

10 But you didn't do any business for RMS with Canberra Solutions, correct?--
-Correct.

And are you able in your mind to really exclude the period that you were in RMS as being the timing of this phone call that I've been asking you questions about?---I can't be sure, I'm sorry.

All right. So when did you finish up at RMS?---Probably around April of the following year, April in '14.

20 Okay, and where did you go then?---Then I was between jobs for a few months. I can't remember exactly how long. And then I worked for a company called Gen-i.

Sorry, what's that company?---Gen-i.

And when did you commence to work with Gen-i?---From memory probably around September, August/September, something like that. I can't remember.

30 August/September, 2014?---I think so. I can't remember off the top of my head.

Right, and how long were you there?---For three months.

And that was a three month contract was it?---No. It was – well, I think originally it was a three month contract, yeah.

And what was your role there?---My role there was a program director.

40 All right, did you have recruitment and procurement responsibilities there?--
-I didn't, no.

Did you have any dealings with Moothedath or Canberra Solutions in terms of recruiting personnel during that period?---I think I may have contacted him for a market update once again. Well, I didn't do recruiting myself there - - -

Why, why - - -? - - - I would say we need these staff and then other people would recruit those staff.

Why would you ring Balu for a market update if it wasn't your responsibility? Were you trying to get him in the door at Gen-i were you?--
-No.

Were you trying to get him in the door at RMS?---No.

10 Why would you be ringing that person for market updates?---Well, I keep in contact with all, a lot of agencies.

Who else did you ring for market updates while you were at RMS or Gen-i?---Samuel Williams.

Yep?---The chap from - - -

Davina Marshall?---Yeah, I think Davina Marshall.

20 Jean Gazo?---I can't recall ringing Jean but I might have done?

Niall O'Rourke?---No, I don't know Niall.

Ryan Arthurs?---No.

All right. And after Gen-i, is that when you landed back at the Cancer Institute?---That's correct.

30 When did they, you might be able to come up with that date I imagine.
When would that be?---February of this year.

All right. And do you have a procurement/recruitment role at the Cancer Institute?---Occasionally I do.

Have you dealt with Moothedath or Canberra Solutions since you've been at the Cancer Institute this time round?---I may have called him for a market update.

40 All right. Have you ever at any time for any entity apart from the University of Sydney placed candidates on ICT contracts that were proposed by Canberra Solutions?---At Aristocrat I engaged Canberra Solutions to do some testing.

But that doesn't qualify within the question that I've just asked, does it?---
Within ICT, okay. No, that was more of a service I guess. So in that, in that case, no.

So never before and never after your time at the University of Sydney you would agree you have considered candidates for recruitment put forward by Canberra Solutions?---I haven't really had a similar position since then, so no.

10 So I'm just trying to understand, given that you haven't had a similar position why you would continue to seek market updates from Balu Moothedath?---Well, my, I guess my, my thinking was it's good to have a network of people who can provide good resources. That's why I keep in contract with all the agencies.

Do you propose that reason for contact to cover off on any telephone contact that there might have been between yourself and Moothedath since you left the University of Sydney?---I would say that probably is what that telephone contact would be.

20 No, I'm going to your motivation. Do you volunteer that you were getting these market updates, notwithstanding that they were not connected with your then current role, to explain away telephone contact between yourself and Moothedath?---I, I would have contacted him because I was interested in a market update. I, I guess I was motivated to maintain my network.

All right. I'm putting a proposition to you. Are you rejecting it?---Sorry, could you repeat the proposition.

30 I'm inquiring, rather than putting a proposition actually, I'm inquiring whether you advance these explanations about getting market updates from Mr Moothedath to explain telephone contact that might have been picked up by ICAC investigators between you and one of Moothedath's numbers since you left the University of Sydney?---Well, that's what I was so I, I guess yeah.

THE COMMISSIONER: I think he's rejecting it.

MR HUNT: Yep.

THE COMMISSIONER: Mr Meeth, when you say you were calling Mr Moothedath to get a market update - - -?---Yes.

40 - - - that suggests, does it not that Mr Moothedath was still actively engaged in placing candidates with, in IT positions with various agencies? It suggests or implies that he would have been across the market, as it were, at that particular time so he was up to date with the rates that were being charged and the demand and supply in that particular field?---That's correct. I would expect so.

Well, did you know what he was doing at that particular time? Did you know that Mr Moothedath had in fact not placed anything like the number

of candidates that were placed with Sydney University as soon as you left that position?---No. I didn't know that.

You didn't know that?---No.

You didn't ask him whether or not he had gone on to place his candidates with a range of other agencies?---No. I didn't ask him anything like that.

All right.

10

MR HUNT: And what about asking him about whether his organisation had continued to place candidates at the university after you'd left?---Um - - -

That must have been of interest to you?---I, I can't recall actually talking to him about it.

What, ever?---Sorry, I beg your pardon?

What, ever?---Whatever?

20

What, never talked about it since you left the University of Sydney?---I can't recall talking about it with him.

All right. Never asked about the progress, for instance, of any of the remaining contractors that you had put on contract through him?---No. I can't recall. I mean I guess I must've but I can't recall those conversations.

Well it stands to reason that you would, wouldn't you in a normal human way?---Yeah. I don't reject that statement.

30

All right. Did you come to, thank you. Did you come to understand that Canberra Solutions didn't continue to place candidates at the University of Sydney?---No.

That wouldn't surprise you though, would it?---It would.

Well, you accept that you shepherded in general terms Canberra Solutions into the fold as a potential recruitment provider at Sydney University while you were there, don't you?---No.

40

You don't accept that?---No.

All right. Just could the witness be – first of all, I just want to ask you a couple of questions about your finances and those of your wife. Do you have a joint account with your wife at Bankwest or did in 2012/2013?--- That's correct.

And you had an account in your own name at that same bank. Is that right?--That's correct.

I'd prefer not to read the account numbers onto the record but you're aware of the account numbers that the Commission has accessed?---Yes.

And are they the two accounts accurately in the material define your two bank accounts for that relevant period, either yours or jointly with your wife?---They appear to be, yes.

10

All right. That's -- could the witness please be shown volume 17 page 50, please. Just looking at that document, do you accept that that document is an accurate extraction of cash payments into either your joint account or your solo account in a range of dates from 18 December, 2012 to 21 November, 2013?---I accept that that accurately reflects nine deposits into my joint account and my individual account.

And I assume you, you have access to the originating bank statements, because they're part of your personal financial records?---I do.

20

And I presume you've also been able to access versions of those documents obtained by the Commission as part of this investigation?---I have.

And so do you accept that those represent cash payments extracted from those records in relation to cash deposits into either of those accounts across that period?---I accept that they reflect nine cash deposits into my joint account and my individual account collectively.

30

All right. Perhaps you could provide a global answer initially and the provide particularise in details if it's relevant, could you tell the Commission the source of the cash money represented across those deposits into or sources into your joint or personal account?---I would say the majority came from my cash tin and some came from gifts from my mum, some came from gifts from my in-laws.

All right. Well lets break that down?---I think that's it.

40

Starting with your in-laws, what level of cash gifts do you say you got from your in-laws, Mr and Mrs McLean during that period that's covered by that schedule?---I don't think I received any cash during that period but prior to that period they had given us some cash which went into the cash tin.

All right. How much cash had they given you and when?---I believe it was \$3,000 and I - - -

Could you be wrong about your belief?---I could be, I guess but I think it was \$3,000.

And when did you receive that?---Toward the end of 2011.

All right. And what you say you put that money in, in your cash tin?---I did.

All right. And did you get any – apart from that \$3,000 any other cash contributions from your in-laws later than the payment in late 2011?---I think they also gave us say 500 bucks for a pram but I can't remember when. But that would've gone into the cash tin as well, I guess.

10 Well, when you use the expression "I guess", what do you mean by that?--- Well it means I would've done anything else with it so it did go into the cash tin.

All right. Well, wasn't the \$500 specific, a specific gift to buy a pram for your first baby?---(No Audible Reply).

Isn't that why they gave you the 500 bucks?---I don't know if it was for my first baby.

20 Well I might have the number of the child wrong but was – didn't your in-laws - - -?---It was for it, yes. It was for a child.

Bear with me, don't talk over me. Didn't your in-laws give you \$500 for purposes of buying a pram?---They did.

And I assume the \$500 or most of it or some of it was spent on a pram?---I can't recall.

30 Well did you buy a pram in 2012 or your wife buy a pram on your behalf?-- -We did buy a pram because we've got the pram now.

How much was the pram?---I don't recall.

Did you pay cash for the pram?---I don't recall.

All right. Is the \$3,000 and the \$500 the total of any money that could've come from the McLeans, either into your – deposited into your account or in your cash tin?---For this period I believe so.

40 All right. So anything that could have, whether going into the joint account, into your personal account or into the cash tin to end up in one of those accounts you say that \$3,500 would be the most that could have been sourced from the McLeans. Is that right?---To the best of my memory that's correct.

All right. What's the position in relation to, you mentioned you received some money from your mum?---Yes.

And I think you know that she has told the Commission that she gave you two lots of \$3,000 totalling \$6,000 in 2001. Is that right?---No, she never gave me anything in 2001.

I mean 2011, I apologise, my mistake?---In 2011 I believe she did give us \$6,000 in cash.

And did that money go into your cash tin?---It did.

10 And when did that money ever come out of the cash tin, if it has?---Over the next few years it did.

And what happened to it?---It was spent on a number of, was spent on a number of items that – including things like changes to our house plans and some demolition spending, I believe, demolition costs. So I would take - - -

So do we – sorry, keep going I didn't mean to cut you off?---So I would take the money out of my cash tin and put it into my account and then spend it from my account.

20

So you were building a house in 2012. Is that right?---No, 2013.

All right. And are you saying you would never spend money out of your cash tin however it came to be in your cash tin?---Oh no, sometimes we would – I would spend money out of my cash tin but usually for big expenses or if I was budgeting for something I would take it out of the cash tin and put it into my account.

30 What other – apart from \$3,500 from the McLeans and \$6,000 from your mum what other money – what was the source of any other funds that went into your cash tin?---I believe in 2013 my mum gave me a further \$6,000 in a few payments over the year, a few payments of \$2,000.

A further \$6,000?---Yes.

In 2013?---Yes.

Any money in 2012?---Not that I can recall.

40 All right. You understand your mum doesn't say that she gave you money in 2013, you understand that don't you?---I can only tell you what I can remember. I thought it was – I think it's 2013.

So do you want your mother to come and be cross-examined on this issue in front of the Commission, is that what you want?---I can only tell you what I can remember.

All right. What other sources of funds apart from mother or parents-in-law sourced money in your cash tin?---For this period I don't think there were any others.

All right?---From memory.

When was the first time in terms of this Commission's inquiries that you volunteered the existence of the cash tin?---I don't recall. Probably at my private hearing.

10

Well is it, is it today?---No, I don't believe so.

All right?---I think I mentioned it at one of my private hearings.

THE COMMISSIONER: Sorry, what was it that you mentioned at one of your hearings?---The existence of a cash tin.

MR HUNT: And - - -?---Or the existence that I had cash savings.

20

And well, you just mentioned the term "cash savings". Apart from your parents – your mother I'm sorry, and your parents-in-law - - -?---Ah hmm.

- - - what is the source of any other money in your cash tin?---Oh well, I mean just general saving myself. So I'll take money out of an ATM and if I don't spend it I'll put it into my cash tin.

THE COMMISSIONER: Why would you take it out of the bank and then put it into a cash tin where it's not earning any interest?---I like the security of having some money at home.

30

Well, it's not hard to go to an ATM and withdraw cash is it?---Well, I just like having some money at home in case there's an emergency.

Well, what would be the most that you would ever keep in the cash tin, what was your security blanket as it were insofar as the cash tin was concerned? ---I believe it would have been about 10 or \$15,000.

So you regularly kept that amount of cash at home?---At that time I did, yes.

40

Well, does that mean that you don't any longer keep that amount of cash at home?---I certainly don't.

And what about before 2011, did you regularly have that amount of cash at home?---I did.

So when did that practice start?---I don't know. I kind of have always done it. I think my parents have done it and my grandpa's done it. I don't know.

And why is that you no longer do it?---Because I think it can cause a lot of misunderstanding.

Why?---Well, I think as you say it's not too hard to go to an ATM and if you're – if you did have an emergency I'm sure, you know, you could, you could get that amount of money straight back out of a bank.

All right?---And so I've changed my thinking on that.

10 MR HUNT: Cash that's deposited at the North Sydney – at North Sydney in relation to either the personal or the joint account, is that cash deposited by you?---I can't recall. I know I have deposited cash at North Sydney.

And what about Hornsby? I mean there's clearly one deposit that was made by your wife on 26 June, 2013. Do you know the source of those funds, that \$5,000 that your wife put into - - -?---It would have been from our cash savings at home, our cash tin.

20 And what would be the event that would have excited the need for \$5,000 to go into the joint account?---It would probably – sorry, what date was that?

26 June, 2013?---2013. It would have been for a variation on our home.

So it was toward the end of your stay at the University of Sydney?---Yeah. That would have been for a variation on our, on our home.

30 When did you first plan to move on from the – put in – put in place plans to move from your position as head of projects at the University of Sydney? ---I don't think I ever really planned it to be honest. I was headhunted into the role at RMS that I went into and that all happened very quickly.

Who headhunted you?---An agency by the name of Oceans Group.

And who there?---That's a good question. I can't remember the, the chap's name.

All right. Well, he rang up and headhunted you so you must - - -?---Yeah.

40 - - - be able to remember.

THE COMMISSIONER: Are they a recruitment firm?---They are. They're a quite well-known recruitment firm. They do a lot of Government agency recruitment.

My understanding, Mr Meeth, was that you were retrenched from RMS. Is that right?---That's correct.

So how long were you there after you were headhunted?---Into that role, 10 months.

So the recruitment was for a period of 10 months before the redundancy was given to you?---That's correct.

Right.

10 MR HUNT: All right. And you understand that within the recruitment industry that it is possible sometimes for somebody to be headhunted that is identified as a potential candidate and sometimes it's possible to invite being headhunted. Did you invite being headhunted from the University of Sydney?---No, not that I can recall.

Well, that is something – when you say “no, not that I would recall”, that seems a conditional answer in circumstances where you would recall if you had done that?---Well, I can't recall doing that.

20 Well, does that mean you didn't do it or are you hedging your bets because you don't know what the Commission might have?---I just can't recall.

THE COMMISSIONER: Mr Meeth, can I ask you this. All of your positions wherever they have been, have they been done via a recruitment agency so there's been, there's been a process whereby the agency has put forward your candidacy, it hasn't been a direct application to the relevant employer?---I think that is correct, yes.

30 MR HUNT: Did you ever meet up with Balu either at Canberra Solutions' Lane Cove premises or otherwise?---Yes. I met up with Balu a few times.

Well, tell us about those times and the purpose of you meeting up?---Well, it was a very similar meeting to all of the recruitment agencies I meet with. So I would meet him usually at a coffee shop somewhere. We would talk about the market. If, if he had any good candidates usually he would talk about those good candidates. Sometimes he might give me a CV. Sometimes I might talk about needs that the University had for upcoming projects and inquire as to whether or not he had any good candidates that might be suitable.

40 Did Moothedath ever give you cash payments?---No.

Did anyone on behalf of Moothedath give you cash payments?---No.

What benefit was flowing to you as a result of you continuing to prefer Canberra Solutions' candidates over other candidates?---I didn't receive any direct benefit. The University got effective project managers and we made a lot of progress on projects at the Uni.

Now would you explain to the Commissioner before we go into some of the recruitment things some of the locations apart from just saying a coffee shop, limit yourself to periods when you were either on contract or employed at the University of Sydney and tell the Commissioner when, where and why you met up with Moothedath away from your Sydney University office?---Ah, well, I can, I can recall meeting him at Artarmon outside a coffee shop just on the way home.

10 When?---I, I don't recall when but I met him there a few times.

All right. At Artarmon on your way home?---Yeah.

And you were, where were you living at that stage - - -?---Hornsby.

- - - while you were at the University of Sydney?---I believe I was living in Waitara at that stage.

20 All right. And you knew that he lived at Lane Cove did you?---I believed his office was in Lane Cove.

Are you saying you didn't understand that his office and his home were one and the same place?---No.

THE COMMISSIONER: Mr Meeth, when you were dealing with someone like Greythorn or Paxus how did you, how did you engage with those, with those agencies? In other words you must have had contacts with those agencies that you met with from time to time?---That's correct, Commissioner.

30 And what did you do, did you arrange to go to their offices or did they come to your office or what was the arrangement?---No, they would always, we would always meet at a coffee shop, they would always either come to the Uni or we would meet at a coffee shop in the city somewhere or, North Sydney.

Is that where cafes make all their money, meetings in coffee shops? So it wasn't your practice to go and meet in an office somewhere?---No, it wasn't.

40 MR HUNT: And they wouldn't come to you?---They would come to me.

They would come to you but they wouldn't come to your office as Head of Projects at the University of Sydney, is that right?---That's correct, they wouldn't come in and – like we wouldn't book a meeting room in my office and have a meeting in my office, we would always just go and have a coffee somewhere.

All right. So why would you be meeting Balu Moothedath on the way home at a coffee shop at Artarmon?---I believe I expressed to him it would be convenient for me.

Why, why?---Because it's on the way home.

But it's the end of the working day?---Right.

10 So other, as I understand your evidence other consultants would come to you, right, the - - -?---Yes.

- - - the Paxus and the Greythorn type quality of recruitment people would come to your area and have coffee near the University or on the University grounds, that's right?---Yes, that's correct.

So Moothedath is lower down the pecking order, you'd agree, than the likes of Greythorn and Paxus?---Oh, not necessarily. I, I didn't see him as lower down the pecking order.

20 All right. Well, you knew that he, his company, if you will use that expression for Canberra Solutions Pty Ltd was not a C100 company, correct?---I did, correct.

And you knew that from the get go didn't you from when you first started to deal with that company when you were at the University of Sydney?---I believe I asked him to confirm that, then he did, I can't remember when.

30 Are you saying it was seriously in your contemplation that Canberra Solutions may have been an accredited 100 company?---Ah, yes.

Are you saying that?---I believe I asked him that, yes.

When did you ask him that?---I can't remember. I can't remember.

THE COMMISSIONER: Mr Meeth, my understanding is that you knew Mr Moothedath when you both worked at Aristocrat?---I did.

40 Right. And rather than just beat around the bush, I mean you knew at every stage didn't you that Mr Moothedath and Canberra Solutions were effectively a one-man band, in other words, it was him and his wife if you can ascribe any active role to her but essentially it was a one-man band that operated out of a unit in Lane Cove, you knew that didn't you?---No, I didn't, Commissioner.

You didn't know what, at any time, that that's what Canberra Solutions was about?---No, Commissioner, that's not how he portrayed Canberra Solutions to me.

Well, I'm not worried about how he portrayed it to you, I'm asking you what you knew. Do you mean to tell me that all the time you dealt with Canberra Solutions you never made an inquiry about the size of his operation, the number of people that he might employ, the nature of his premises, how long he'd been in existence, what his credit rating was, you made no inquiries in relation to that at all?---No, Commissioner, I probably should have.

10 So does it come as a shock to you to find out that Mr Moothedath was operating Canberra Solutions by himself out of his home unit in Lane Cove?
---It does, Commissioner.

When did you first become aware of that?---I can't recall.

MR HUNT: But when he was at Aristocrat you must have known that he just lived just down the road?---No.

20 Because it's just down the road from Aristocrat's offices?---I didn't know that.

So you didn't know him very well at that time I gather, is that right?---No.

All right. Just explain with some precision to the Commissioner what it was that you say Canberra Solutions did at Aristocrat in terms of provision of, I think you say programs, what did, what was involved?---Canberra Solutions provided testing capability.

30 What's that mean?---The tested whether or not an application that was developed functioned appropriately.

All right. And how many times did they do that for Aristocrat?---Twice I think, once or twice.

All right. And they tested software - - -?---Yeah.

- - - on an iPad on each occasion, is that right?---On a number of different tablets, yes.

40 And was the person who tested for Canberra Solutions once Balu Moothedath?---Not that I'm aware of.

Who was it then?---From - oh, I, I can't recall the chap's name, I could guess but I, I can't recall it.

All right. Well, was it a person of Indian origination?---I believe so, yes.

All right. And how big a project was that? What sort of man hours are we talking about?---That involved six, that involved maybe six people in the IT

department for a number of, a number of months and it involved introducing a new customer management system for the entire sales division of Aristocrat Technology.

Six people who were Aristocrat employees or contractors?---Yes.

Didn't involve Canberra Solutions sourcing them or recruiting them or proposing them did it?---No.

10 And what was the total fee for service, I don't want to hold you to an exact dollar amount but roughly the, the, the dollar fee paid by Aristocrat to Canberra Solutions for whatever it is Canberra Solutions did in terms of testing in the various tablets?---I think it was 10 or \$15,000.

All right. And apart from already knowing Balu because of his own work at Aristocrat that involved you having exposure to somebody who you can't now remember, correct, in terms of - - -

20 Sorry, could you rephrase the question?---I'm trying to understand apart from Balu what it is that Canberra Solutions brought to your attention while you were at Aristocrat and I think it's one other contractor whose name you now can't remember, is that right?---Well, what they brought to me – sorry, do you, do you want to know what they brought to me or do you want me to - - -

30 THE COMMISSIONER: No, I think the question that's being asked is that the sole, the sole knowledge that you had in relation to Canberra Solutions whilst you were at Aristocrat was the presence of one person who was said to be from Canberra Solutions in relation to the delivery of this, of this project, is that right?---That's, that's all I, that's all I'd witnessed at that stage, yes.

That's all you saw?---Yes.

Can, can I ask how did Canberra Solutions get that particular project at Aristocrat?---How? I believe I approached Balu and asked him did he know anybody that could undergo that particular function and he said yes he could.

40 So, so you in fact - - -?---Or, yes he did.

- - - you in fact solicited that work from Mr Moothedath at Aristocrat?---Yeah, well I inquired, yeah, as to whether or not - - -

Well, you inquired who could do it and he said, "Guess what, I can"?---That's correct.

"I've got a company"?---That's correct.

And there was no requirement or no policy in existence at Aristocrat whereby when you engaged a contractor you sought, for example, a number of quotes and you determined who was the most competitive and the most qualified to deliver the project?---From memory I think my boss had to sign off on that. I think that was about it.

10 Well, when you say sign off on it you mean he signed off on Canberra Solutions without, without getting any other quote from the marketplace in terms of other companies that might be able to provide the same service?---
Ah - - -

In other words you put up Canberra Solutions and he signed off on it?---
That's correct.

MR HUNT: Without other candidates?---I can't recall.

20 All right. Well to work out whether, whether an organisation is cost competitive you'd need to see their tender against a tender of another candidate, wouldn't you?---Yes.

All right. Well if you've described Canberra Solutions in the past as being "highly cost competitive" that would suggest that there was some kind of rigorous selection process where you compared their fees with other fees. Do you agree with that?---I would.

Is that what happened at Aristocrat?---I can't recall but I would imagine so.

30 And this was a project, what total cost around \$15,000?---No. That was just for a very small testing component of it.

All right. Well what fees, I had understood that you were telling me what fees flowed from Aristocrat to Canberra Solutions in relation to any of the offerings that it provided Aristocrat while you were there?---No, that was correct, 10 to \$15,000 but the total cost of the project - - -

40 I'm not interested in the cost of the project, I'm interested in the cost of Canberra Solutions to Aristocrat because that's the part that would be to do with cost competitiveness, isn't it?---Ten to \$15,000.

All right. So is what you had said now in terms of that project the entire basis of your knowledge of Canberra Solutions and what it had to offer or had offered Aristocrat before you ended up at the University of Sydney?---
No. I think what most impressed me about Canberra Solutions was Balu. Balu also worked for a company called Patni, whilst at Aristocrat and they provided services to the entire ICT Department and to the entire organisation globally. He managed a team of in-house IT professionals, very effectively and serviced that requirement quite well.

So it was really your, your personal dealings with Balu in another role that informed your preparedness to either retain or, or promote Canberra Solutions when you were at the University of Sydney. Is that right?---
That's correct.

10 THE COMMISSIONER: Mr Meeth, could you just explain, could you just explain what impressed you about Balu? You said a moment ago "what really impressed me about Canberra Solutions was Balu himself". Can you explain to me what you found impressive about Mr Moothedath?---I, on a number of occasions went to Mr Moothedath with a problem and he was very quick to offer a solution. That solution would inevitably solve the problem I was trying to, to address. I hadn't had that experience previously and that seemed very unique from what I'd experienced to date in IT departments.

Well when you say you went to him with a problem and he quickly addressed it, were they IT problems?---Yes.

20 Were they problems in the nature of project management problems or were they problems in the nature of, for example, software issues, hardware issues, process issues?---They all fell under the – in the context of a project, trying to deliver a project. The project might be to build some software or to build some hardware and he would be able to, you know, meet those or solve those problems for me.

30 And do you say that he was able to solve them from his own personal IT knowledge and expertise. Is that what you're saying, that he had a thorough working of IT software, hardware, processors?---He did. He seemed to.

Well when you say "he seemed to" were you in a position to assess the expertise that he had? In other words did you have the requisite knowledge against which you could assess his expertise?---I, requisite knowledge?

What I'm getting at Mr Meeth - - -?---I think so.

Well, all right. You think so?---Yeah.

40 What I'm trying to understand is, in the IT area of course there are a range of people such as yourself who, and I'm not being critical by any means but you don't hold any formal qualifications, do you?---Not in IT, no.

No. So you came into IT services more or less in the role of a project manager so that's about driving an IT project, isn't it?---To achieve a business outcome.

To achieve an outcome. So you say this is the outcome I want, you put together the team that you think can achieve it and then you, you drive the process?---That's correct.

Right. Well, forgive me, but I don't necessarily understand how that kind of expertise would allow you to assess whether or not Mr Moothedath had IT expertise, that is expertise in hardware, software and systems analysis. That doesn't strike me as a, as a similar correlation of skill set. Would that be fair?---No, that would be fair.

10

MR HUNT: To the extent that you described earlier that you would have discussions with Balu Moothedath after your employment at Sydney University to get from him a "market update", I assume you did that very frequently while you were actually using him to propose candidates while you were at the University of Sydney?---That would be fair, yes.

And as I understand your evidence a focus of a market update is on two things, the available pool of candidates that might be around for particular future projects and going rates?---Generally, yes.

20

All right. So what sort of discussions did you have with Balu Moothedath while you were at the University of Sydney about going rates for contractors that he was proposing?---We spoke about rates. I think, generally we spoke about project managers being around \$1,000 a day mark and program managers being around \$1,200 a day mark and business analysts being around \$800 a day mark and I suppose that would be the average and that fluctuated throughout the, the year.

30

You understood, I think that Canberra Solutions was a cost competitive outfit in terms of price for various services offered. That's right, isn't it?---That's correct.

And that's why you put forward the name of that company to somebody called Chris Fernando at the University early in your time there?---I did suggest to Chris Fernando that he might want to look at Canberra Solutions, yes.

40

What sort of work was Chris Fernando needing assistance with in March of 2012?---I can't recall.

Well it was something to do with Sydney student support and cost being a factor moving forward, does that help you remember?---It does help me remember.

Fire away?---Okay. It was in relation to a very large program which would, from memory, consolidate 17 individual facility enrolment systems into one. That one facility enrolment system could then be supported centrally by an IT team. So one aspect that they wanted to, one thing they wanted to solve

was rather than have 17 different teams around the University supporting different enrolment systems, it would be better if they had one and I believe they had a, a budget which had a couple of issues with it or they weren't sure whether it would stretch as far as they needed it to stretch for the number of people they thought they would need to service that particular system.

10 All right. So on the basis of the \$15,000 worth of work that Canberra Solutions had done at Aristocrat you put forward Canberra Solutions as being a company that might be highly cost competitive and have a solution for Chris Fernando.

MR DENNIS: I object.

MR HUNT: Is that right?

MR DENNIS: I object. Commissioner, respectfully that's, that's not the witness's evidence. The witness has given evidence of - - -

20 THE COMMISSIONER: Well, he's being asked is that right so he can - - -

MR DENNIS: Yeah. Thank you.

THE COMMISSIONER: - - - he can decide whether it is or it isn't. Perhaps you had better put it again, Mr Hunt.

30 MR HUNT: All right. So it was on the basis of your past involvement with Canberra Solutions at Aristocrat that you proposed Canberra Solutions as potentially being a useful company for Chris Fernando to consider in relation to the big project that you've just described. Is that right?---My past experience and my knowledge of Balu.

All right. So you were – is it fair to say – just have a look at page 204 in volume 2. Is it fair to say that you were promoting Canberra Solutions and Balu Moothedath to other personnel at the University by March, 2012?---I thought it would be of benefit to the University to consider Canberra Solutions.

40 Yeah. And you must have thought it could be of benefit to Balu and Canberra Solutions?---No, I don't think I thought about that at all. I was just thinking what was in the best interests for the University.

And that's why you've copied Moothedath in and provided his mobile number just to be really helpful to Mr Fernando and the University's interest. Is that right?---That's correct.

Now, do you retain your – knowing the track record of the candidates put forward by Balu and the evidence in this Commission, do you retain your high opinion of Balu Moothedath?---I do.

You retain your high opinion notwithstanding that a number of the candidates proposed by him and recruited by you failed to perform adequately?---I do.

10 You retain your high opinion of him notwithstanding that you understand that his business ethics or those of Canberra Solutions resulted in a loss either to the University or the contractor or both?---My personal view is – sorry. I’m sorry. What was your question, sorry, the last, just your last question?

Well, just tell us your personal view now of Balu Moothedath and Canberra Solutions’ behaviour in terms of these contractors and having in mind the interests of the University, your employer, and the interests of the contractors who he or that company proposed to represent – purported to represent?---I think when I became aware of the margins that he was
20 charging I thought that was completely out of line. I don’t think that’s anywhere near what the other C100 agencies would have charged or would have made.

Well, I’ll just stop you there. What do you mean the other C100 agencies? You knew that this was not a C100 agency?---I mean, well, any of, any of the, any of the agencies used by the University for that particular service.

All right. Keep going then?---So I think that is completely out of line and in
30 hindsight – I look back and should have asked him what his margin was but I didn’t. I don’t know why I didn’t.

But what do you say – I thought a couple of answers ago you said you still effectively held him in the same regard that you always did. Is that what you’re saying?---I think he’s still a very effective manager and a very capable manager. I’m not dissuaded by the fact a few of his project managers didn’t work out. I think there were reasons for that. Some of them were just no good but - - -

Well, which ones were just no good?---I think the one – one comes to mind
40 was a lady by the name of, I can’t pronounce her name, Adhi. Pranav I don’t believe was that effective and Tranesh (as said).

Tarunesh - - -?---Tarunesh.

- - - Sahu?---Tarunesh, yeah.

Well, they were all ultimately let go because they didn’t perform. You agree with that?---Yes.

And so - - -?---Some of them by me. Sorry.

Do you agree with the proposition that one-third of the cohort of candidates that you appointed put forward by Canberra Solutions failed to deliver?

---Sorry, what did you want me to do with that sentence, that statement?

10 What I want you to do is see whether you're prepared to concede that of a cohort of nine candidates that you selected that were all proposed by Canberra Solutions, accept that one-third of those nine candidates failed to work out and were not up to the job?---I accept that one-third did fail to work out and not up to the job.

How do you explain, given what you have said on the record about Canberra Solutions being a supplier of really quality candidates, that phenomena?---I don't think that phenomena is unique to Canberra Solutions in my experience.

20 How do you explain you, if you were using recruitment processes that had rigour, getting so many duds out of the field put forward by Canberra Solutions?---I think there were a lot of circumstances relating to why those three candidates didn't work out.

Well, one of the biggest circumstances was that they were inferior candidates wasn't it?---Mmm - - -

Do you accept that?---Yes, I, I guess they were inferior candidates.

30 And knowing what you now know, you know that these were people who would work for three and \$400 a day against a cost to the University of \$1,000 or more don't you?---Yes.

And so that must say something about where they place their own value in the marketplace if they'll work for less than half the proper contract rate. Yes?---Yes.

40 And you have read I assume Davina Marshall for instance and her evidence that candidates that she was putting forward for the same kind of positions at the University would not have accepted rates of half or less if she proposed them. You've considered that evidence haven't you?---I haven't, no.

Are you saying that you haven't been keeping track of what witnesses have been saying in this Commission?---I haven't, no.

All right. Okay. Apart from the inferior quality of the candidates what other factors do you say are relevant to people like Tarunesh and Pranav and Abdi not working out apart from their inferior quality?---Pranav I believe

had the misfortune of having quite a hard project sponsor. So project sponsor is the person that's ultimately accountable for the delivery of the project. Right from the beginning his project sponsor, a man by the name of Mark Pigot, was fairly rough I guess on Pranav.

MR HUNT: Well, was Mr Pigot a man who actually wanted contractors to perform?---Absolutely.

10 All right. What other problems apart from Pranav's project sponsor and the inferiority of the candidates, what other factors do you say led to those three candidates not passing muster?---I believe in the case of Adhi, she had a lot of trouble coordinating a lot of the people involved in her project and so the project didn't make much progress.

How did she come to be directed to Talent International, can you say?---I can't recall.

20 Well, she was selected before a C100 company was in place representing her, correct?---I can't recall.

You don't accept that that happened?---No, I just can't recall.

All right. Do you accept that you would with some candidates shortlist them before they were represented by C100 companies?---I can't recall if I did that to be honest.

All right. You don't accept that?---No, I just can't recall.

30 All right. Do you, do you accept that if you did that, if you shortlisted candidates before a C100 company was involved representing them that you were not for the University relying on any further vetting by the C100 company that ultimately became involved?---I would, if I had shortlisted a, if I had a preferred candidate I would completing vetting at that stage so I would have considered other C100 companies I'm assuming.

40 THE COMMISSIONER: Sorry, what do you mean by a preferred candidate, is this before the interview?---No. So if I had, if I had one candidate which I thought was going to get the gig I would have completing vetting before I had made that decision or I would have - - -

But is this, is this after the interview process is it?---Yes.

So, so the candidate, all the candidates have been interviewed?---Yeah.

And then you do a vet on the, on the - - -?---Then I have a preferred candidate.

And then you'd vet that preferred candidate?---Well, no, I would then just offer that candidate the job.

Well, that's what I'm trying to understanding. When was it that you, when was it that you ascertained what the qualifications and expertise of the candidate was?---Ah, so before the interview I would review CVs which would list the qualifications and experience of each candidate.

10 Anything else? Did you make any other inquiries? Did you check any referees or go to any of the previous employers on those CVs?---Not on the CVs at that stage.

Well, what do you mean at that stage?---After - - -

20 Did you ever do that?---After the interview, yeah, after the interview I would contact the agency and get them to check references and then the agency would provide me with a reference, sort of like a report or a summary and then after that I would offer them the job. I believe that's the case in most cases, I'm not sure if it was the case for all of them though.

Well, is that the process that you went through with each and every candidate from Canberra Solutions that was offered a position?---I can't recall if it was the case in each and every instance, no.

MR HUNT: Can I just take the witness to a couple of documents before we take a break, Commissioner.

30 On the same topic just have a look at this because this, this gets to the area that I was asking you about before the Commissioner asked those questions and just have a look at page 93, this is the bottom half of page 93, volume 2. Do you see that at 12.12pm on 4 April Balu has forwarded two résumés for project manager candidates to you?---Yes.

And do you see above that is within a couple of hours, two and a half hours, you are forwarding that on to Jovan Apostolovic, you see that?---Yes.

40 Now Jovan was somebody who was lower in the pecking order than you, correct?---I wouldn't say he was lower in the pecking order but he was more junior than me, yes.

He was more junior than you, whether he formally reported to you you accept that he was more junior than you?---He was, yes.

And you were entitled to direct him to do things?---Yes.

All right. So you are there telling Jovan to shortlist both those candidates, correct?---Yes.

But to find out which C100 panel Canberra Solutions is using, correct?
---That's correct.

So what is demonstrated there is on the basis of the CVs or the résumés that have been forwarded by Canberra Solutions you have determined to shortlist those candidates without any inquiry beyond reviewing the résumés?---That's correct.

10 Did you review the résumés?---I can't recall what résumés they were from that particular email.

So you can't exclude the possibility that you might have just shortlisted them without even looking at the resumes?---I don't think I would have done that. I would have reviewed them I would say.

All right. Do you accept a proposition that it would seem if you were shortlisting candidates before a C100 company was known to you - - -?
---Ah hmm.

20 - - - that you weren't placing any reliance on what the C100 company was doing or could offer in relation to the candidates before you shortlisted them?---Well, the - I would then invited other agencies to submit their candidates.

Okay. I'm not asking you that. I'm asking you whether in relation to these candidates you accept that you were prepared to shortlist them without any input from a C100 provider?---Yes.

30 All right. And did you know as at this time it would seem you must have known that Canberra Solutions was not a C100 company at that time?
---That's correct.

All right. And if we could just go higher up the page to the next email, in fact Jovan seems to have done a bit of due diligence and checks and checks the list and asks for your advice about what to do in circumstances where Canberra Solutions are not on the C100 list?---Yeah.

40 And that would seem to imply that Jovan understood at that time that there needed to be the involvement of a C100 provider for candidates to be considered. Do you agree with that?---I agree with that.

And do you agree that in a sense you have already undertaken a preliminary consideration of these candidates by looking at their r résumé and shortlisting them without that involvement?---Well, I, I agree that they've been shortlisted but the shortlisting wouldn't be valid if they didn't come back with representation from a C100 list.

That might be right but do you agree that you had considered them and shortlisted them without an involvement of a C100 company knowing that a C100 company ought to be involved?---No.

All right. Could we go up to the top. Now at the top you are saying they're not, they are not?---Ah hmm.

10 There's a sic there, it should be they are not or they're not "but maybe they are contracting through the C100?" Was that expressing some question mark in your own mind as to whether they were - - -?---Yes.

- - - subcontractors?---I, I thought that non C100 companies could access the C100 by kind of subcontracting or payrolling through C100.

But the way you go on to express yourself is how you knew it to be at the time where you say you will need to contact them to confirm or advise them "we can't use them unless they are". That is you can't use them unless they're contracting through a C100 company. Correct?---Correct.

20 And you're there inviting somebody junior to you to tell Canberra Solutions or find out from Canberra Solutions who they're using. Correct?---Correct.

And that was a legitimate request by you to have Jovan find out who Canberra Solutions was using. Is that right?---Yes.

30 If you have a look a page 92, 91, I'm sorry. Just explain to the Commissioner, if that was legitimate request that you're making to Jovan at 2.48 on 4 April, why at 2.46 on 4 April you had forwarded to Balu the details of Samuel Williams and directed him toward a particular C100 provider. Why did you do that?---I don't know exactly why I would've done that. It's probably in response to a question from Balu as to whether or not we could use him, use Canberra Solutions.

Well, it's a response to Jovan having said "Hang on, Canberra Solutions aren't on the C100 list" and so you then go around outside the email chain and say to Balu, "how about you use Sam Williams or somebody like that"? That's why, isn't it?---I, I can't recall what my motivation was for that.

40 THE COMMISSIONER: Well, Mr Meeth, can I suggest this. Again I'm raising this with you because these are matters that the Commission is going to have to determine and on the face of the email chain the Commission would be entitled I suggest to draw the inference that you were providing that information to Mr Moothedath because you knew that in order to circumvent the C100 process that was mandated within the University he would have to have a C100 company with whom to contract to make his candidates eligible. That was the reason that you were doing this wasn't it?--From - - -

It was a way in which you could circumvent the requirement that you should use C100 companies wasn't it?---No. I would have just been responding to Balu and saying we can't use any of your people unless they're on the C100.

Well, we might have to go back to this but on the email chain that was shown to you Balu sends you the CVs and says let me know how you want to proceed with this. It was just an open-ended question?---Ah hmm.

10 Let me know how you want to proceed with this. The very next thing you do is that you make sure that Balu has a C100 company and you give him those details before you say to Jovan, after Jovan raises a legitimate query with you, you say to Jovan oh well, you'll have to find out if they're subcontracting with the C100 company. That's the position isn't it?---No.

Well – but all I'm doing is pointing out how the email chain reads?---Okay.

20 Well, then explain to me why we wouldn't be entitled to draw the inference that at the stage at which you're saying to Jovan you'll have to find out who they're using as a C100 company you already knew because you'd given that contact detail to Balu?---I think what happened was the email came through and I probably responded to Balu and then I responded to Jovan because I didn't have that much faith in Jovan following up on it.

Well, sorry, why didn't you say to Jovan in the reply email I'm pretty sure Canberra Solutions is using Paxus. Why don't you contact Sam Williams. Why didn't you say that?---Because I wasn't pretty sure.

30 But that's the only C100 company that you'd given to Mr Moothedath?---
Mmm - - -

He wouldn't have known who was on the C100 list?---I don't know. I'm –
I'm sure - - -

Well, I'll give you some time to reflect on it and we'll take the morning tea adjournment and return at 12 o'clock. Thank you.

SHORT ADJOURNMENT

[11.45am]

40

THE COMMISSIONER: Yes. Yes, Mr Hunt.

MR HUNT: Could we just return to page 93 of volume 2. So I think you've agreed that you were asking Jovan to follow up and determine whether Canberra Solutions was subcontracting through a C100 company?--
-That's correct.

And that if that wasn't confirmed that the University wouldn't be able to use them unless that was the case?---That's correct.

So why did you send the email that's on page 91 a couple of minutes before you sent that to Jovan, explain?---I was interested in getting Balu's confirmation myself.

Why?---Because I was not sure which agency he would be using.

10 But you were wanting to have dealings with Balu that were not disclosed to Jovan. Correct?---No.

Well that's the effect of what happened here, wasn't it?---Yes.

And you agree another effect of the email that's on page 91 was you providing Samuel Williams as a possible C100 contact for Balu?---That is correct.

20 And then if we go to page 95. First of all do you agree that apart from possibly the informality of the greeting line, that is "Hi, Balu", that there's nothing on the face of this email to suggest that you have had prior commercial or personal dealings with Mr Moothedath?---It appears that way.

And your emailing him at Gmail account rather than a Canberra Solutions email account, aren't you?---I don't know if that was deliberate, but I am, yes, I would agree with that.

30 Well are you saying you might have accidentally emailed him on a Gmail account?---That's correct.

Okay. Because you had personal email details for him as well as Canberra Solutions details?---That's correct.

And that's because you had had a personal relationship with him as well as a relationship to do with Canberra Solutions. Correct?---No.

40 Well, why did you have a personal email for him if not for that reason?---I believe at one point, I can't say when, he provided that gmail address and I just put it into my phonebook and as I've written Balu in there it's defaulted to that.

THE COMMISSIONER: In that email where you say our preference is to use a C100 provider, that wasn't entirely true was it, you were actually required to use a C100 provider?---I know, I know the University had a preference to use C100s, C100 providers. I'm not sure at that stage if the University mandated everyone using C100 providers.

But if it was only a preference then there was no need for Mr Balu or Canberra Solutions to subcontract through a C100 company. You could have just said well look, put your candidates in. Our preference is to go through C100 companies but you can still put up a candidate and we'll see how they go?---Yes, fair enough.

MR HUNT: So why were you – do you agree that what you've just said and the import of the email at page 95 about it being a preference, is entirely inconsistent with what you were saying to Jovan at page 93, that is, if they
10 don't have it we can't use them?---No, that's, that's not, not what I meant.

How do they sit together?---So with, with preference - - -

Well, preference means non-mandated doesn't it?---That's correct.

All right. So just - - -?---I'm sure - - -

Explain to the Commissioner how on 11 April you would be saying it's our preference to Balu to use C100 when on 4 April you're saying to
20 Apostolovic if they don't have one we won't use them, how do they sit together?---Historically ICT up until I'm not sure when had used agencies that weren't on the C100 including my own engagement was from a non-C100 agency. At one point it became a preference – at one point it became an option to a preference to a mandate. I don't know what the timeline was.

THE COMMISSIONER: But the point that's being made is that on 4 April, that is seven days before this email to Mr Moothedath you had Mr Apostolovic that you couldn't use Canberra Solutions unless they came through a C100 agency so surely that by definition means that you
30 understood at that time that it was a mandated procedure not a preferential one?---Once again I can only say we engaged contractors that weren't on the C100 and contractors that were on the C100. I tried wherever possible to engage contractors that were on the C100.

MR HUNT: So why didn't you just deal directly with Canberra Solutions if you thought that was permissible?---Because we were trying to introduce a system that only looked at C100 providers.

40 Were you trying to disguise that these candidates were coming from Canberra Solutions?---No.

Were you trying to do that by pointing Balu to various C100 companies?---No.

Why did you point him towards Sam Williams on 4 April and then point him towards Davina Marshall on 11 April?---I believe I was interested in which C100 agency he was going to provide candidates through and I was providing some examples of C100 agencies that might be able to help him.

And you did that to make it possible for Canberra Solutions to put forward candidates so it looked like it was in compliance with the C100 policy, correct?---I did so that the University could use good quality resources that he had put forward.

And does that – do you still stand by that?---I do.

10 That that's what happened to the University as a result of using Canberra Solutions, that they got good quality candidates?---I think the majority of candidates that they got were good quality candidates.

What 60 per cent, 66 per cent were good quality candidates?---Yes, that's correct.

Do you accept that Anu Batra for instance wasn't that good to start with but got better while on contract?---I accept that, yes.

20 Do you accept that you continued to recruit candidates from Canberra Solutions after some of the candidates had proved, the appointed candidates had proved unsuitable?---I do.

Why?---Because I still maintain that the majority of candidates that were provided by Canberra Solutions through C100 agencies were good quality candidates.

Did you point Canberra Solutions to Michael Page as well as to Greythorn and Paxus?---I can't recall.

30 What about Talent International?---I can't recall.

Possible in both cases?---No, I just can't recall.

Do you accept it's possible that you were the source of referral to four C100 companies?---It's possible.

40 In circumstances in which you had both through Jovan and directly communicated to Balu to say that a C100 company needed to be involved why did you continue to receive résumés directly from Balu?---I believed that under the C100 non-C100 candidates could be referred to C100 agencies to be payrolled.

Say that again?---I was operating under the impression that non-C100 agencies or candidates from non-C100 agents or companies could be referred to C100 companies or introduced to C100 companies to utilise the C100 scheme.

THE COMMISSIONER: Who gave you that impression?---I'm not sure where I got that impression but that was my impression.

MR HUNT: But that, that kind of administration payroll service only from the C100 provider would have resulted in a different margin to the C100 provider surely?---I, I assume so, I, I don't know.

10 And the disclosed figures that you were signing off on contracts made it clear that the University was paying "full freight" for the C100 involvement. You knew that, didn't you?---I was aware of the margins that the University, that the C100 agencies were making.

So, so you knew that the University of Sydney was paying full C100 recruitment margin even though it was really – they were only providing what you might call a "post box service" by putting their badge onto Balu's candidates. Correct?---I was aware of the margins they were charging. Whether they were the appropriate margins, I'm not sure I was aware of that.

20 But wasn't that within your purview as somebody who had fiscal responsibility, obligations to the University?---I agree. I should have looked at it much more closely.

Well how did you so fundamentally fail at that?---I can only say that I, in hindsight I should have looked at it much more closely and questioned everything.

30 Well it was either delinquent or intentional, wasn't it?---I can only say I should've looked at much more closely.

All right. And I suggest to you that it was intentional to give an impression of a standardised process. What do you say?---I say I wasn't intentional.

And I say it was intentional because you well knew that from Balu's point of view he was making a big margin?---That's not correct.

And are you sure some of that margin wasn't coming back to you?---I'm sure some of that margin wasn't coming back to me.

40 And are you sure that some of that margin wasn't coming back to you by way of payments made to you at Artarmon on your way home?---I'm sure.

Did you catch the train from Waitara to the University every day?---Yes.

So you would catch the train from somewhere near the University and get off the train at Artarmon to meet Balu? Is that what you're saying?---On a few occasions that did happen, yes.

And then you'd meet at a café and then you'd get back on the train and go to Waitara?---That's correct.

And would you sometimes deposit money at Hornsby after one of those events?---No. That's not the case.

Are you sure about that?---I'm sure about that.

10 Just let's go back to the money just for a minute. You – on our figures you say that you would keep money at home that you would get first from your parents-in-law given to you in 2011. Correct?---Correct.

And from your mother given to you in 2011. Correct?---Correct.

And the total, putting to one side the pram money, which I think you accept was spent. The total you got from your parents-in-law at any relevant time was \$3,000. Correct?---Correct.

20 And the total that your mum says she gave to you that was not loans repaid was \$10,000. Do you accept that figure?---I thought it was 12.

Do you accept 10?---No.

You don't accept \$6,000 in 2011 and \$4,000 give or take in 2012?---No.

30 All right. And previously you had said to this Commission having taken an affirmation that some of the funds that you would get from your family, whether it's your mother or your parents-in-law would be banked and some would be kept at home. Is that true?---After reflecting on that a little bit more my practice was to put any cash gifts into my savings at home and not to bank it.

So you're revising your evidence earlier given to the Commission. Is that what you're doing?---I think upon further reflection, I think that's a closer, that's, that's what I did.

Are you revising your evidence that you gave to the Commission earlier on that point?---If that's what I said, I, I am revising it.

40 Well, you know that's what you said don't you because you've reflected on it and so if you've reflected on it and you're changing your evidence you must know there's something to change. Correct?---Correct.

All right. Well, let's use just your figures for the moment, the amount from your mum to be 12 and the amount from your parents-in-law to be three, that's 15. Assuming all that money was saved in – at home or in your cash tin depending on the expression you choose to use from time to time, how

do you account for the rest of the funds deposited in the period on the chart?---The same - - -

Page 50.

THE COMMISSIONER: Well, perhaps we should pull up page 50.

MR HUNT: Yes, I'll pull that. Thank you. It's page 50 of volume 17. Thank you, Commissioner. So I think this chart has a total of \$24,000
10 worth of deposits and even accepting your figures rather than your mother's evidence I think we're up to 15 so where has the other \$9,000 come from?
---Savings that I had made over the years to date – to that, to that particular time.

Starting from when?---Probably starting when I first started working.

THE COMMISSIONER: Sorry, do you mean to say that, do you mean to say that you were hoarding amounts of cash at home by way of savings in addition to these gifts that came from your mother and your parents-in-law?
20 ---I've always kept an amount of money at home which has built up over the years and I think that's where the extra cash came from.

MR HUNT: So why did you deposit it in dribs and drabs?---They were all for every specific reasons.

Like what?---Well, the first one there I believe is for a demolition, when we were demolishing our house to do a building.

THE COMMISSIONER: We're talking about deposits?---Yes. Yeah, so
30 that money went toward that.

MR HUNT: The \$2,000?---Yes.

On 19 December, 2012?---That's correct.

You've got a memory of that?---Yes.

All right?---The - - -

40 So just let me understand. You were borrowing money or being gifted money from your parents-in-law at a time that you had significant cash savings on hand at home. Is that right?---That's correct.

Okay?---The \$4,000 I believe was for a deposit for a construction loan. I believe the, the next 2,000 on 4 April and on 8 May, on 4 April that was \$2,000 which I put into the bank as a provision for my Office of State Revenue bill that would be coming. The bill was a lot higher than I thought it would be so I put in another \$2,000 for it.

THE COMMISSIONER: In a different - - -

MR HUNT: Are you talking about stamp duty?

THE COMMISSIONER: In a different account. Is that in a different account?---Yeah.

10 So you put 2,000 in one account and then 2,000 in another account?---Yeah.
I move money between the accounts quite regularly.

But these are cash deposits not moving money?---No, I know, I know but I would have – it doesn't matter to me which account I deposit it into. It's whatever the teller would say. The \$5,000 - - -

MR HUNT: Whatever the teller would say. What, you'd - - -?---The teller would say what account do you want to put it in.

20 And you'd just pick one at random?---That's right.

Oh, okay?---Because I would consolidate it later.

Well, what was the \$5,000 for?---The 5,000, the 2,000 and the 4,000 were all for variations as we were building out house in 2013.

30 So can I just understand these were things that you needed to be able to demonstrate the source of funds for because they were to do with provision for stamp duty or actual changes to your contract with the builder. Is that right?---No, they were just the changes to, changes to – variations to our building works which required extra money so we would have to pay extra money.

THE COMMISSIONER: I think what Counsel is driving at is you had these cash deposits at home and you had various expenses. Why wouldn't you just pay the expenses from the cash reserves, why did it have to go into the account and then come out again, what was the point of that?---Well, I would have added it to my construction loan, to the stage payments of the construction loan.

40 MR HUNT: And so what you're saying is in relation to each of these cash deposits if the Commission looks carefully at your banking system there will be virtually immediate countervailing withdrawals for the purposes that you're giving affirmed evidence about, is that right, Mr Meeth?---I don't know if there'd be immediate sort of entries in, in the bank statement. I can just tell you that's what the money was for.

Well, aren't you saying that you held money on hand at home and you only banked it because there was going to be a call on it that you anticipated?

---Well, yeah, so for, for - - -

And, could I stop there, and a call that you couldn't meet by paying it in cash?---Yeah, you wouldn't, you couldn't pay it in cash, that's correct.

So these were payments that you knew you wouldn't be able to pay in cash so you had to have it coming out of your account, you accept that part?

---Ah, yes.

10 What's the total amount, the highest amount of cash you have ever held or you and your wife have ever held in cash that has been unbanked?---I, I couldn't tell you off the top of my head.

Well, round it up or round it down, just roughly?---I, I have no idea.

Well, you must have some idea, sir?---Well, it'd, it'd be probably about 10 or 15 of my own savings plus whatever gifts came in in 2011, so six, seven, eight, so that'd be - - -

20 So 10 or 15 of your own savings plus three from your parents-in-law so that'd be 13 to 18 plus \$6,000 from your mother, correct, so that'd be - - -? ---Yeah.

- - - 19 to 24?---Ah - - -

That's convenient isn't it, it comes to 24?---That's correct, plus I think I probably would have saved a little bit more in that year.

30 So there would have been more?---In 2012. My, my practice was to save maybe two and a half to \$3,000 each year and put that into my cash tin.

THE COMMISSIONER: So all of the money that you saved went into this cash tin?---All the cash that I would save, yeah.

And, sorry, where did you keep this cash tin?---It's under my bed.

Right.

40 MR HUNT: And so do we, do we understand that the money, the \$2,500 per annum that you would save is cash money that you got in any particular working year, is that - - -?---That's correct.

Cash money. Okay?---Ah - - -

Well, that's correct you just said. Is it correct or not?---It would be cash that I had withdrawn, I just correct myself that, it would be cash that I have withdrawn from an ATM that I haven't spent.

And you carefully then put that money to one side as savings?---Yes.

All right. I just want to go, do you accept that the philosophy of having more than one person on a recruitment, I've finished with that exhibit by the way please, the philosophy of having more than one person on a recruitment panel is designed to create some rigor to the process?---I do.

And is that the reason that you invited Jovan Apostolovic and Neill Li from time to time to join panels?---That's correct.

10

Do you accept a proposition that you had the casting vote at times when panels were constituted by you and either of those gentlemen?---I do.

And that you exercised the final call in circumstances where those gentleman joined you on recruitment panels?---I do.

And do you accept that from to time at least Mr Apostolovic raised contrary views about the suitability of candidates or some caution about candidates that you seemed to prefer?---I don't recall him raising concerns about candidates that I seemed to prefer.

20

Okay. Let's deal with one?---Okay.

If you go – could we see, please, page 256 on volume 2. You're familiar with the person called Anu Batra, aren't you?---I am.

Do you remember selecting her?---I do.

30

And in this field, if you just look at the first page it looks like in terms of availability and rate that with the exception that Ms Batra was 8 cents a day more expensive than the other candidates that there was nothing to separate them in terms of rate or availability?---It would appear so based on this draft.

40

All right. And just have a look at some of the things that are written about Wayne Underwood. And then we'll go over the page. So this is, this is a candidate that had worked at another metropolitan university who had a collaborative style that could be assertive, had questions, had worked in demanding roles and the like and had local experience. And then just run your eyes over the various comments for Liz Jedniuk and Elissa Micallef?---Ah hmm.

And then if you accept that what is at the end in terms of qualities of Anu Batra is the totality of the recorded feedback. Do you agree with the proposition that just looking at the feedback alone it is difficult to discern how Anu Batra would have been the preferred candidate from that field?---I do, it is difficult.

Why was she the preferred candidate?---She was the best person interview. Her, her skills and experience seemed to match the needs of the University, the closest when compared to anyone else we interviewed.

How could you tell that from that feedback?---I don't think you can.

Do you remember that Jovan had concerns about this candidates Visa status?---No, I don't.

10 Do you see there that there was a Visa restriction in terms of the hours?---
Yes.

And if I say to you that Ms Batra secured Visa status by virtue of her partner or husband being on a Student Visa, does that ring a bell?---No, it doesn't.

Do you accept what Jovan Apostolovic has to say that he raised a query with you during the interview about that feature of Ms Batra's circumstances?---No. I don't recall him raising that issue with me.

20 Do you accept that that could've happened?---No. I don't. I think I would've remembered it.

All right. Well just accept for a moment that Ms Batra and Mr Apostolovic each give evidence of there being some conversation about that during the interview. Are you prepared to accept that it happened on that basis?---(No Audible Reply).

THE COMMISSIONER: And just to be clear, the conversation that Mr
30 Apostolovic attested to and Ms Batra agreed with in general terms was that
because her Visa was essentially connected to that of her partner who was a
student, his concern was that in the event that the partner stopped studying
that Ms Batra's Visa would thereby be cancelled and that that was a risk that
the University was running in hiring her for this position. So the nature of
the evidence given by Mr Apostolovic and Ms Batra was in that broad
compass and that conversation occurred in the interview so that you were
aware of that issue?---I do remember talking about working in the, in the
interview with Ms Batra in the context that she said "She was only – had
only newly come to Australia", and I believe I asked her a question "How
40 many hours like are you allowed to work"? "How many hours are you
allowed to work"? And she said "I'm allowed to work 40 hours a week". I
don't recall the other stuff that you just said. I just don't recall it.

MR HUNT: Do you accept it could have happened?---I think if it could have happened I would have remembered it.

THE COMMISSIONER: Well, can I ask this, if the Commission ultimately decided that that conversation did occur in the interview?---Yeah.

- - - can you explain how it was that Ms Batra was nonetheless the preferred candidate, why was it that you would have disregarded what Mr Apostolovic said in relation to that risk that the University was running?---I would say that if I had thought it was a risk I would have acted on it.

10 MR HUNT: Are you able to indicate why when the ability of the other candidates to work with difficult stakeholders is assayed in some way that issue wasn't covered in relation to Ms Batra's feedback?---No, I don't know. I'm pretty sure I didn't write this.

Oh. Who wrote this?---I would, I would say that it was probably Jovan.

All right. Well, it would seem that Mr Apostolovic had far more detailed feedback to make about the three non-preferred candidates than the preferred candidates. Are you saying – do you agree with that?---It appears so.

20 And are you saying that you didn't contribute any of this feedback?---No, I would have contributed it. I would've sat there and talked to him.

Well, why are you saying I didn't write it?---Well, I didn't write it. I would've - - -

THE COMMISSIONER: But didn't you provide Mr Apostolovic with the notes that you took during the interview that allowed him, assuming that he did do this, I don't know, but that would have allowed him to construct that feedback form?---I would have, Commissioner, yes.

30 Right?---Yes.

MR HUNT: So your notes and his notes would be amalgamated in the form?---Yes.

So when you're saying to the Commissioner I didn't write this, you're not moving away from some of the matters summarised being your assessment of the respective candidates are you or are you?---Sorry, could you rephrase the question. I'm not sure I understand.

40 When you say I didn't write this - - -?---Yeah.

- - - you are not maintaining that you didn't contribute to the assessment and feedback about these competing candidates are you?---No. I did contribute.

All right. So why did you say I didn't write this just a few answers ago? ---Because I didn't.

Yeah, but what was your point in advancing that?---I think you were implying that I had written it.

Well, what I was implying was that personal communication style, dealing with stakeholders and some probing of the candidates' qualities seems to have occurred with the three candidates who were not preferred and didn't occur with Ms Batra. Do you agree with that?---No, I don't.

10 THE COMMISSIONER: And so following on from that, why is it that those other factors that Counsel has just outlined to you don't appear on Ms Batra's assessment?---I couldn't say. Maybe Jovan ran out of time.

MR HUNT: So do you, do you say that Jovan Apostolovic should wear some odium for Ms Batra being selected, is that what you're saying?
---Sorry, what do you mean by odium in that sentence?

Well, you seem to be blaming Mr Apostolovic for a lack of relevant feedback about the preferred candidate, do you agree?---Yes.

20 Are you blaming him, are you saying he bears some responsibility for this person being selected over the other three candidates?---No.

It was your decision wasn't it?---It was.

And in a sense with this candidate you overruled him in terms of concerns that he raised both during the interview and after the interview was concluded?---No, that's not correct.

30 THE COMMISSIONER: Are you suggesting that in every case where you made a decision to engage a candidate from Canberra Solutions where that interview was jointly held by you and Mr Apostolovic that you were always of the same mind?---No.

So there were occasions when he disagreed?---There were.

And on those occasions you nonetheless made the, made the choice, made the decision?---Yes.

Right.

40 MR HUNT: Would you just look at page 269 of volume 2 please. Do you see this is an example in relation to the candidate Alex Voronova of Canberra Solutions forwarding to you directly a resume of a prospective candidate?---Yes.

And do you accept that given the date, that is July 2012, that this is well after there have been communications from you to Balu that there was a need for a preference for the use of C100 suppliers?---Ah, yes.

And indeed after Canberra Solutions had been putting forward multiple candidates through differing C100 suppliers?---Ah, yes.

Was this an example of a mechanism of Canberra Solutions putting you on notice directly of which candidates were theirs?---No.

10 Do you accept that this happened repeatedly that résumés would be forwarded directly to you despite the C100 requirement?---I was operating under the impression that I could review or look at candidates from non-C100 agencies as long as they were introduced to a C100 agency and only contracted through a C100 agency.

All right. Would you look at page 89 of volume 3.

THE COMMISSIONER: Just while we're going to that page, you did as I understand it, Mr Meeth, on every single occasion that you conducted these interviews, you knew who the Canberra Solutions candidates were didn't you?---I can't recall if I did.

20 MR HUNT: Do you accept that generally you did?---Generally, yeah.

And putting to one side Greg Hall, who you might anticipate we'll come back to, Ben Hall I'm sorry, putting aside that candidate whose recruitment didn't proceed, what percentage of Canberra Solutions candidates that were proposed for recruitment were recruited by you?---I don't recall.

Do you accept it's virtually 100 per cent?---No.

30 Okay. Well, name to us please, putting to one side Ben Hall, the names of candidates that were put forward by Canberra Solutions to you for consideration that weren't appointed?---I can't recall.

All right. Well, just name a few names given that you don't accept it's basically 100 per cent?---Well, I don't recall so I can't.

All right. Well, what records would you need to have access to to be able to comment on that?---I would need a record of all the interviews I conducted over the time.

40 Do you accept a proposition that where there was one Canberra Solutions candidate in a field of three or four that the Canberra Solutions person would be selected over the balance of the field in the case of the nine candidates that did get contracts through Canberra Solutions at the University of Sydney?---In all the cases where Canberra Solutions contractors were put forward of all the candidates interviewed they were the best candidates.

THE COMMISSIONER: On each and every one of the nine occasions?

---On each and every one of the nine occasions.

And, and just to be clear. There were only nine occasions when you carried out interviews for personnel in the 18 months that you were at Sydney University, weren't there? That's, that's an average of one every two months. Was that about the number that you – number of interviews you conducted over that period of time?---No. That's not correct.

10 Well how many interviews did you conduct over that period of time?---I can't recall but there would be at least maybe, I'd be guessing, twice as many maybe.

What as many as 20?---Yes.

Over the 18 month period?---Yes.

20 MR HUNT: Just think about the candidate Tarunesh Sahu, who ultimately – when he was first interviewed wasn't selected. You remember that, don't you?---No. I don't remember that actually.

Well do you remember him missing out and then you bringing his name forward as a potential candidate for a different contract?---No. I don't recall that.

You accept that happened?---It's possible, I just don't recall.

Do I – I need to take you to an email before you'll accept that, do you?---Yes, please.

30 All right. We'll do that in due course. Did you ever appoint a Canberra Solutions candidate without an interview?---No.

What about the person Adhi?---No.

Could we just look at page 89 of volume 3. See there there's an email from Canberra Solutions forwarding a profile for somebody called Lyn Morriss with two s's on the end?---I can see that.

40 Lyn Morriss was ultimately appointed to a position, wasn't she?---She was.

And is that another example I suggest of Canberra Solutions communicating to you directly the identify of a candidate irregardless of whether a C100 agent was going to be engaged or not?---It's an example of agency sending me a CV.

Do you accept that it had effect if this candidate were put forward later by a C100 agency of you being on notice that she was really a Canberra Solutions candidate?---It could.

Well it did, didn't it?---I'm just trying to recall if I knew that Lyn Morriss was Canberra Solutions when I interviewed her. I'm not sure. I can't recall. It would make sense because obviously you've got this email but I just can't recall.

If reference checks were undertaken who would undertake them post interview?---Usually the agency that was putting forward the candidate.

- 10 So in the case of candidates that were put forward by Canberra Solutions, wrapped up with a C100 agent, what was your understanding as who would do the reference checks?---The C100 agent.

And you relied on that, did you?---Yes. I did. That process did change a little bit during the time that I was there. I remember at – I think I did get some references back from Canberra Solutions for some, for some candidates but usually it would've been the agent, the C100 agency.

- 20 THE COMMISSIONER: What do you mean by the process changed? I mean you were the one that was actually running this recruitment so in what way did it change unless you instigated the change?---Throughout the time that I was there there was, from memory, a centralised body that was trying to assist everybody that needed to recruit people by coming up with a standard process to recruit people. I can't remember what this group was called but they would provide advice and guidance on how this process should, should work.

- 30 But wasn't the point of the C100 list, wasn't the point about that that the University would recruit through C100 companies because those companies provided a consistency and a standard in relation to the expertise of IT professionals at a rate which was essentially competitive across all of the companies so that there was certainty from the point of view of the University? Wasn't that the point of the C100 list?---I'm not sure what the point of the C100 list was, I should have found out.

You don't know what the point of the C100 list was?---No, other than, well, other than I guess what you're saying.

- 40 Well, did you understand that at the time or didn't you?---I don't think I did, no.

Well, then this gets back to the problem that we've raised previously about your understanding of whether the process was mandatory or not mandatory. Do you, are you now saying that over the whole of the period of the time that you were employed at Sydney University you thought the use of C100 companies was entirely a matter of choice? Is that what you're saying?---No, that's not what I'm saying.

Well, if you didn't understand the rationale for the use of C100 companies in what way did you think it was necessary to use them?---The advice that I'd had was that we should just use them so I used them.

Well, when did you get that advice? You see, you said earlier in your evidence that over the period of time that you were there Sydney University was moving to a mandatory use of C100 companies, that's what you said earlier on?---That's correct.

10 Well, when was it that you understood that it was mandatory, that they'd actually got to that point where it was mandatory?---I can't recall when we got to that point. I assume it would be in some policy or - - -

MR HUNT: Yeah, but when?---I, I can't recall.

Well, was it before you head of projects or after you were head of projects? ---Before I was head of projects or after, sorry, I don't understand that question. I was always head of projects.

20 You were on a contract and then you achieved a permanent position as head of projects, correct?---Yes.

So was it while you were on contract or after you got a permanent job? ---It would have been after I got a permanent job.

All right. So then just explain why in April, what time, that was the end of 2012 wasn't it, December or something like that?---I think so, yes.

30 All right. So just explain to the Commissioner why in April, on 4 April, 2012 well before you understood it to be mandatory you were requiring Canberra Solutions to use a C100 company?---Well, I was trying to help phase in this new approach.

Were you trying to disguise that you were considering Canberra Solutions candidates by having them proposed by C100 agencies?---No, that's not correct.

40 Well, according to the way you're saying you saw things throughout 2012 you could have disclosed Canberra Solutions as being an agency on the forms for selection of candidates couldn't you?---I could have.

And you didn't once did you?---Not that I can remember.

Look at page 211 of volume 2. ecareer was your agency that had placed you there, correct?---That's correct.

And you knew ecareer was not a C100 company. Correct?---I believe ecareer is a C100 company.

It wasn't a C100 company then was it and you knew that because you had to make different arrangements?---That's true. That's true.

Correct?---Yeah, no, that's correct.

All right. So look at this document, ecareer here is listed in relation to these candidates as the agency attached to candidate to number 1 Lencia Macleod. See that?---Yeah.

10

Now, that is a non-100 recruitment agency disclosed on a recruitment form. Why wouldn't you do the same thing with Canberra Solutions?---I would say that Canberra Solutions would have confirmed that they were providing a candidate through an agency that was a C100.

20

THE COMMISSIONER: No, no, that's not the question. The question – it's not a question of what Canberra Solutions have advised. What Counsel is asking you is this is an example of where a non-C100 company is disclosed on the face of a recruitment confirmation, right. It's there on the document?---Yeah.

What Counsel is asking you is why wasn't Canberra Solutions treated in the same way, why didn't you just put against Mr Pranav Shanker Canberra Solutions on the recruitment form? That's what's being asked of you?---It would be because the candidate has said they're coming through a C100 agency.

30

MR HUNT: But back in April and after that time Canberra Solutions continued to put up résumés directly to you and you would send them away to a variety of C100 companies wouldn't you?---That's correct.

Why wouldn't you just do what you did with ecareer here and disclose on the face of the document that Canberra Solutions was the proposer of the candidate?---Because they said they were coming through a C100 agency.

40

THE COMMISSIONER: No, no, no, Mr Meeth. They didn't say they were. You were the one who directed them to the C100 company. They were giving the CVs to you directly and then you took it upon yourself to say to them go to this C100 company. What is being suggested to you is this was an entirely special and peculiar arrangement that you had with Canberra Solutions. Now, is that true or is it not true?---That's not true, Commissioner and - - -

Well, if the facts speak differently how are we to explain this, how are we to explain that Canberra Solutions is treated in a wholly different way from every other company? That's what we're asking. How do we explain it?---I can only say that I have spoken to ecareer and I spoke to ecareer then that if

they wanted to put their candidate through their candidate would need to come through a C100 agency.

MR HUNT: But that didn't happen in this case. You let them put up a candidate and you documented it for the world to see, that Lencia Macleod was an ecareer candidate. Correct?---Correct.

10 And the fact of it is, is that because Canberra Solutions candidates were scattered between Greythorn, Paxus, Michael Page and Talent International, it meant when those candidates kept getting the jobs there wasn't a documented and discernible pattern that 100 per cent of nine candidates each got their job was there?---Sorry, could you rephrase the question.

20 The fact that the Canberra Solutions candidates were being funnelled through up to four different C100 providers meant that if you reviewed the books you'd see Paxus got a couple, Greythorn got a couple rather than if you reviewed the books and it showed Canberra Solutions you would see that Canberra Solutions, a what I suggest is a substandard outfit, was having an incredibly good run at placing candidates. Do you agree?---I agree that it would have that effect.

And not – and having them not on the forms would disguise that effect?---It would have that effect.

Is that a convenient time, Commissioner.

THE COMMISSIONER: We might take a luncheon adjournment. We'll resume at 2 o'clock. Thank you.

30

LUNCHEON ADJOURNMENT

[1.05pm]