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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 2.04PM

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

<JASON PETER WILLIAM MEETH, on former affirmation[2.04pm]

THE COMMISSIONER: Yes, Mr Hunt.

MR HUNT: Mr Meeth, you accept that – I'll show you an example. Volume 2, page 212, perhaps 211 and then 212 please in fairness. Thank you. This is just a form I showed you earlier but for a different purpose. Do you remember this form where ecareer was alongside some C100 agencies on the front page of this form?---I do recall.

All right. Going to the second page if we could, page 212. You see that that has a box over the signature over the signature for confidentiality and security reasons but I'd ask you to accept that your signature is underneath that box. Do you do that?---I do.

And do you accept that in circumstances where you have signed recruitment confirmation forms like this one that you're accepting responsibility for having undertaken that recruitment procedure and selected the relevant candidate?---I do. I understand that was the purpose of the form.

Thank you. And purpose of the signing of the form effectively was you adopting your role within that process as documented?---Yes.

Thank you. And the email address that you had while you were at the University of Sydney, were you the only one who was able to access that, you needed to log in to send emails on that account. Is that right?---Yes, that is correct.

30 All right. And you haven't seen in the course of viewing material when you were either reviewing recruiting arrangements while you were employed or retained at the University or since for purposes of this investigation seen any emails that you would say came from that email address that weren't either sent or received by you?---No, I haven't.

Thank you. How have you known Ben Hall?---I've known Ben Hall since high school. I know him pretty well.

40 And have you maintained contact with him since high school?---Yes, I have.

And when his name came forward to you as a potential candidate did it come forward him being a Canberra Solutions candidate?---I don't recall.

Did you put him in touch with Balu or Canberra Solutions generally?---I put him in touch with Canberra Solutions as well as a number of other agencies.

And was that for the purpose of recruitment generally or recruitment to the University or both?---A bit of both I think.

All right. You were aware when you commenced at the University of Sydney of an external interests policy weren't you?---I was.

And could we just have a look at page 208 of volume 18 please. I won't bore you by taking you all the way through it, Mr Meeth, but if you look at the cover sheet here, I'll just tell you this is an annexure to Mr Meikle's statement. You see there that the heading of the external interests policy 2010 and that it was commenced as at 1 January, 2011?---I do.

10

And is that the policy you were aware of?---I never read the policy but I was aware of it generally.

And you were aware of the effect of it?---Yes.

And why didn't you read it given the kind of area that you were involved in?---It was a stupid mistake. I should have made the time to read it.

All right. You were aware of the code of conduct and that that was binding?---I was aware we had a code of conduct, yes.

20

And you were aware that you were obliged to follow various policies then in place at the University. Correct?---That's correct.

Did you interview Ben Hall?---I did.

And why didn't you appoint him?---Shortly after the interview he withdrew his application for the role.

And before that interview did you say something on your account to Jovan Apostolovic about you knowing Ben Hall?---I did.

30

What did you say?---I said I know Ben Hall. I've known him for a long time.

Is that all you said?---That's all I can recall that I said, yes.

All right. And was that the totality of any disclosure that you made to anyone at the University about your knowledge of Ben Hall?---Yes.

40

Do you rely on having said those things to Apostolovic to discharge any obligation to disclose to the University your prior relationship with Hall?---Absolutely not.

All right. And why didn't you make arrangements for somebody else to interview Hall rather than yourself?---I wanted to interview Mr Hall to see if he could do the job and then following that I was going to convene another interview with other people to interview him and make a written statement

that I knew him but he withdrew his role and he withdrew from the role so I didn't follow up with that, I didn't see the need.

So what you wanted to give him the, the inside running of interviewing him first and then set up an arm's length procedure after you had already considered that he was suitable for the role. Is that what you're saying?---
No. I wanted to see if he was suitable for the role and suitable for the University and then if he passed that interview put him through another interview that was with other people to make the final decision.

10

You accept that given that he was being put forward, that Ben Hall was being put forward by Canberra Solutions that there were double problems with him. That is he was somebody who was personally known to you and being put forward by an agency that you knew was run by another person well known to you?---No, I don't accept that they were problems.

THE COMMISSIONER: When you said you wanted to see if he was suitable for the role, why couldn't you have determined that by looking at his CV?---I wanted to ask a few questions about what he'd been doing.

20

Well, but you didn't, you didn't undertake that course in relation to any of the other candidates especially in candidates that were put up through Canberra Solutions who you equally didn't have much information on apart from the CV. You didn't interview them to see if they were suitable for the role?---That's correct.

Why did you make that exception for Mr Hall?---Because Mr Hall was known to me.

30 But wouldn't that be a reason not to interview him at all until you'd established some arm's length procedure?---No. I don't think so.

MR HUNT: Did you seek any advice from HR at the University about what might be the appropriate approach?---No, I didn't. I didn't think it would be that big of an issue.

40 Could the witness just be shown volume 2, 118, please. I just want to show you a page that you accept your signature's underneath there and that would show reference checks have been completed in relation to the – that recruitment procedure. Do you agree with that?---It appears so.

All right. And just look at page 117. I'd suggest the position documented is a different position than the one you contend for now?---That is correct.

Right. So what you say in this form that you have adopted by your signature as part of the University records is that Ben Hall was considered appropriate for the position but he rejected the employment offer, doesn't it?---That's what the piece of paper says.

And that is a record that you've adopted that says that Ben Hall was offered the position, doesn't it?---That's what the piece of paper says.

It doesn't say he rejected the offer of moving forward in a more extended interview process, does it?---It doesn't say that.

10 Could the witness please be shown page 61 of volume 16. Sir, this is a document that in a diagrammatic format demonstrates against an axis on the left-hand side of the number of calls representation of the number of calls between your number, your mobile number, and mobile numbers attached to Mr Moothedath or Ms Devadas or both of them, do you understand?---I do.

Let's look at April 2012. What could you possibly have had to discuss with Mr Moothedath or Ms Devadas or each of them that would mean that there would be almost 40 calls in one calendar month?---I recall Balu's phone used to drop out quite a lot so there would be a lot of calling and then it either dropping out or going to voicemail if he didn't answer and then calling back.

20

So a proportion of the calls can be explained in that way?---Yeah.

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

And do you say that these calls here include text messages do you?---I believe they would, yes.

All right?---I did text him at the time.

30 So this contact between telephone services so it might be calls, it might be texts?---That's right.

I assume that if there were telephone contacts that were uninterrupted and continuing that the topic would be candidates would it and a market update? ---Generally that's correct. For a period I recall from about sort of April '12 to August '12 Mr Moothedath and I did discuss setting up an enterprise, an IT services business. I would say the topic of conversation during that period would have included setting up that enterprise.

40 THE COMMISSIONER: This is in addition to all the meetings that you're having with him at Artarmon is it?---That's correct.

MR HUNT: So the Artarmon meetings were as I understood your evidence earlier about recruitment?---They were about recruitment.

You intended to leave an impression when you were talking about the meetings at Artarmon with Mr Moothedath that they were an analogue of

the kind of meetings that you would have with other recruitment personnel just further away from the University, correct?---That's correct.

I just tender this document, your Honour, it's just a breakdown of, Commissioner, I'm sorry, it's just a breakdown of calls or telephone contact for April just to show when the explication of that's available for those at the hearing.

10 THE COMMISSIONER: That's Exhibit E10.

#EXHIBIT E10 - EXTRACT OF TELEPHONE CALLS BETWEEN MR MEETH AND MR MOOTHEATH FROM 3/4/2012 – 19/4/2012

20 MR HUNT: I don't intend to take the witness to it. Could I tender something else that's unrelated to him while I remember to do it. This is an extract of various bank accounts and movements around bank accounts for Mr Shenker's accounts and there's a working copy for the Commissioner.

THE COMMISSIONER: Yes, thank you, that will be Exhibit E11.

#EXHIBIT E11 – EXTRACT OF VARIOUS BANK ACCOUNTS FOR MR SHANKER

30 MR HUNT: Exhibit E10 is just an extract of things that are otherwise found in the evidence obviously, Commissioner.

THE COMMISSIONER: Yes, thank you.

MR HUNT: You say do you that you gave permission for Mr Dhawal to work from home in the sense of work from premises that weren't the University but were in Australia. Is that what you say?---I gave him permission to work remotely. I didn't specify whether it was in Australia or not.

40 Did he take up with you a desire for permission to work remotely from India?---Not that I recall.

That is something you would recall if it happened wouldn't you?---I assume so, yes.

See I understand that it was put on your behalf to Mr Dhawal that there was no express application for permission to work overseas. Is that the position?---The conversation I had with Dhawal was he said his dad was

dying of cancer. I said how can I help. I thought a compassionate response to him was to provide flexible working arrangements for about a month and I said you have permission to work remotely for that time.

THE COMMISSIONER: Was that at a point in time where he told you he was returning to India?---No. I believe that was a point in time where he said he just – he couldn't come in for a couple of weeks.

10 MR HUNT: All right. Well, could you please have a look at volume 11, page 159. We'll just deal with the email at the bottom of that page of 159 first please, Mr Berry. That's an email to Ms Batra. That might be the wrong page. It's - - -

THE COMMISSIONER: I think - - -

MR HUNT: Volume 11, 159 please. So do you accept that what you are reading on the screen is a communication from Dhawal Parekh to you dated 7 March, 2013 where he is putting you on notice of his family problems for the first time?---Yes.
20

And he's saying that he's applying for at least four weeks leave in circumstances where "I won't be able to do justification to my current responsibilities so it would be better for me to take some time off to resolve it." Do you accept that?---That's what it says. I accept that's what it says.

And you say that your response to this communication was to communicate to Mr Parekh that he could work remotely. Is that what you say?---That's correct.

30 All right. Just have a look at your response. All right. So this is not a response to him but to – communication to Peter Zak who I assume was attached to the project that Mr Parekh was working on. Correct?---I believe so.

All right. And you say "Dhawal has had a family emergency and needs to take his leave urgently. Please think about what you will need to manage this for the next month and come and have a chat". So that doesn't seem consistent you'd agree with Parekh remaining attached to the project because you're inviting Zak to make some other arrangements in
40 circumstance where Dhawal is taking leave urgently?---That's correct. At that stage I hadn't spoken to Dhawal.

So do you say that there will be within the documents produced some material suggesting authorisation to work remotely?---I authorised him to work remotely in a conversation I had with him on the phone.

And what that found no confirmation other than – no confirmation of the phone call in any written form?---I don't think so, no.

And how was the University protected in terms of the quality of the work or the fact of any work in that circumstance?---Well, they would, they would either be able to tell the project was making progress or not.

Well you were the head of projects?---Yeah.

10 What was the mechanism of integrity that meant that the University could for instances know that the timesheets submitted were accurate?---I relied on the words of the, the staff that submitted the timesheets.

Just have a look at page 228 of volume 11.

THE COMMISSIONER: Looking at those document, Mr Meeth, the University was clearly of the impression that Mr Parekh was on leave?---I can't see any documents, I'm sorry.

No. The email you were just shown - - -?---Okay.

20 The University was clearly under the impression if one was to have regard to those emails, that Mr Parekh was on leave?---Well I – no one in the University asked me and I'm his manager so - - -

Well, that's not the answer to the question. If someone in human resources needed to find out what was required by way of payroll, tax deductions, I don't know, you know, that kind of human resources function and you weren't available, they would have regard to the documentary evidence, wouldn't they?---They would.

30 And as far as they could tell, Mr Parekh was on leave. Because there was no – according to you there's no written record anywhere of the fact that you gave him permission to work remotely from India?---No. They would have to ask me.

But that's what I'm saying. In the absence of asking you, they don't have any evidence that you gave him permission to work remotely from India. They would've construed those documents as evidence of the fact that Mr Parekh was on leave?---They would've misconstrued in that case.

40 But they haven't misconstrued if they're just reading the documents. I'm pointing out that on the face of the documents Mr Parekh appears to be on leave?---On the face of the documents he does appear to be on leave.

Thank you.

MR HUNT: All right. Now just have a look at page 231 of volume 11. This is an email on 25 April from Parekh to you. Salutations and the like. "Sorry, I did not get a chance to write to you earlier as I was busy with my

dad's hospitalisation and also internet connectivity is the issue here". And then there's some communication that he'd passed the message in late March that he wouldn't be returning to Australis for two to three months. That all sounds rather at odds with somebody who was working remotely through March, doesn't it?---I can only tell you the conversation I had with him. I said "You're allowed to work for a month remotely".

10 THE COMMISSIONER: I thought, I thought what you'd told us was that you had given him permission to work remotely from India, you didn't say anything about whether it was for a month or otherwise"?---No. I just said, well I gave him permission to work for about a month remotely that's what I gave him permission to do.

MR HUNT: Where's the month come from, was that just incorporated in this telephone call?---That's right.

20 And not documented in any way?---That's right. I didn't document it, I should've documented it because if I wasn't there and you look at the evidence it looks like he wasn't working remotely but he was.

Yeah. Well that why you're saying that you gave him permission in a phone call only for a month to cover the evidence, isn't it?---No. That's not correct.

Well you know that he claimed timesheets for a period he wasn't in the country, don't you?---I'm not aware of that, no.

30 Are you saying you're not aware, sir, of what Parekh's timesheets show in this matter?---I'm aware of what his timesheets show, yes.

And you're aware that he was paid on timesheets that include, say a two-week period when he wasn't even in the country?---No, I'm not aware of that.

You're not even aware of that?---No, I'm not aware of that.

So you don't know that he left the country on 15 March and that he claimed up until 27 March?---No, I'm not aware of that.

40 All right. Just have a look at page 228 of volume 11. This is you communicating to Patricia McNally at Paxus saying, "As at April Dhawal is still on leave at the moment and I'm not expecting him back for a few weeks." That's inconsistent with somebody who had been working remotely isn't it?---No, I don't think so. I think his leave had kicked in at that stage.

Well, how did the University in a documented sense apart from in your brain know when the period that there was remote authorisation both

authorised and been pursued by Parekh ended his leave authorised by you started?---The University would rely on me.

So how would they know? Just because you're carrying that around in your head?---That's correct.

Why didn't you document it?---I don't know I didn't document it at the time, I should have.

- 10 Did you document – did you not document it so that Canberra Solutions could continue to take a significant margin of the pay?---No, that's not correct.

And I suppose it's not correct that you would get some benefit to that continuing receipt of money by Canberra Solutions either?---Absolutely not.

Just have a look at page 234.

- 20 THE COMMISSIONER: Just while we're on that topic though, that was an email to Ms, sorry Patricia McNulty was it?

MR HUNT: McNally.

THE COMMISSIONER: McNally, sorry, that was an email to Ms McNally at Paxus wasn't it, the recruitment agency?---That was.

And that was the agency through which Mr Parekh had contracted with Sydney University wasn't it?---That's correct.

- 30 So as at that the date of that email, which I think was 12 April, why did you say to Ms McNally that Parekh was still on leave as opposed to he's in India and he's working remotely and I'll tell you when he returns?---Ah - - -

I mean that was – the point, the point of that communication was you were letting Paxus know whether or not Mr Parekh was still on the books weren't you?---At that stage I thought he was on leave.

As at 12 April you thought he was still on leave?---I believed he was on leave as at 12 April.

40

But I thought you said you had a phone conversation with him before that wherein you discussed him working remotely from India?---I had a phone conversation with him discussing him working remotely from, I can't remember what the date was but whenever that was for about a month I said he could work remotely.

Well, did that conversation occur before he left the country or did it occur while he was in India?---I assume it was before he left the country.

Well, is that just speculation on your part or you, or you had a phone call from him when he indicated he needed to be on leave?---When did he leave the country?

MR HUNT: He left 15 March, sir.

THE COMMISSIONER: That was a month before that email, Mr Meeth?
---Yeah. It would have been, it would have been before that then.

10

Right. So let me just get this order straight. You had a phone call or a phone discussion with Mr Parekh before 7 March wherein you, wherein you discussed him working remotely from India?---Ah hmm.

Yet on 11 April you're telling his C100 agency that he's still on leave, is that what you're saying?---On around about 7 March I had a conversation with him where I said you could work remotely for about a month and then after that month was completed and a few days went by I'm emailing or replying to Patricia McNally that he's on leave.

20

But you said he is still on leave?---That's right.

Not that he's on leave now and he wasn't for the previous month, you said he was still on leave?---Still on leave.

But nowhere in any of these emails do you ever refer to the fact that he's working whilst he's on this trip, nowhere?---I didn't document it. I should have. It's very obvious.

30 MR HUNT: But why didn't you say to Peter Zak who was in charge of the project on your evidence Dhawal is working from home and you're going to have to manage his remote contribution rather than saying he's got to go on leave, you've going to have to tell me what resources you need. They're two different propositions aren't they?---Well, they are. I - - -

And you're making stuff up to cover the fact that you know you have authorised timesheets up until 27 March when he couldn't have been working at the University?---No, that's not correct.

40 See when you – just have a look at page 234. I suggest this is an email showing that you are authorising a whole bunch of timesheets and you've approved the timesheets, haven't you?---That's correct.

So there are two issues. One of the timesheets is the week ending 17 March so he's already left for India by then. That's one issue isn't it and you didn't even know that did you?---No.

And the second issue is that the email purports to put forward timesheets for work at the University of Sydney doesn't it?---Yes.

And that wasn't the fact was it?---Well, I took that to mean he worked remotely for the University of Sydney.

Well, where, where do you get that from, at USYD. It seems rather to do with temporal in time and place at the University?---No. I get that from the phone conversation I had with him where I authorised him to work
10 remotely.

THE COMMISSIONER: But those timesheets cover a period after he'd left for India?---I understand that.

And according to you, a moment ago you told us that you must have had a phone conversation with him either on or shortly before 7 March wherein he discussed with you the fact that he was going to India?---He did. He didn't discuss when he was going to go. I thought he was going to work remotely for a month and then that was it.
20

MR HUNT: All right. And then just 249 for completeness.

THE COMMISSIONER: And just before we leave that point. So he's emailing you from India and you say in response to him I hope your dad's getting better. You knew he was in India by then didn't you and you didn't say oh by the way, when did you leave for India and why didn't you tell me and are you on leave or are you still working?---No, I didn't email him asking those questions.

30 MR HUNT: All right. Well, what about 249. This is I'd suggest could be characterised as Mr Parekh having another bite at the cherry that you permit him where he sends you "Oh I forgot to attach the last one for the week ending 24 March, 2013" and you approved that one?---That's correct.

What due diligence did you do that those hours had been delivered?---The same I did with all timesheets. I relied on the contractors to tell me the truth.

40 THE COMMISSIONER: But by then you know that he's not telling you the truth because you didn't know according to you that he was doing all of this from India. By the time you get this email that you've just been directed to you must have known that he wasn't being honest?---No, I didn't know that, Commissioner.

MR HUNT: So what reports did you get back from the project leader about the quality of the work given that Parekh himself had communicated to you that there were Internet interconnectivity issues?---I used to get updates from the projects if they weren't progressing or if something was going

wrong and I can't recall getting any for the projects that Dhawal was working on.

Do you say there will be one project documentation document within the University of Sydney records that records Dhawal Parekh having contributed to project work or management either remotely from his home in March, 2013 or from India in March, 2013?---No, I don't.

10 It wouldn't be there, would it?---I just, I don't know. I don't think it would. I don't think there is such a document.

Well there wouldn't be such a document because he wasn't working remotely was he and you knew that?---He was working remotely for about a month.

20 So that's examination, Commissioner, I think, maybe not. When did you first become aware that Balu Moothedath or anyone at Canberra Solutions was making about 50 per cent of the contractor rate as a fee?---In a private hearing.

Have you spoken to Samuel Williams about this investigation?---Not that I recall, no.

Well that's something you would recall, isn't it?---It is.

So have you or not?---Well, not that I recall, no.

30 Well, sir, do you accept the proposition that talking to somebody in Mr William's position about the ICAC investigation would be something that given the context of this investigation would stay in memory?---Generally it would.

Have you talked to Samuel Williams in person by text, email or telephone about this investigation, yes or no?---Not that I recall.

Commissioner, in case it's necessary for the report would you please release the suppression on this witness's compulsory examinations, please?

40 THE COMMISSIONER: Yes. The compulsory examination of 9 September, 2015 is no longer subject to the nonpublication order that applied and the compulsory, sorry, yes, the compulsory examination of 16 June, 2015 is no longer subject to the nonpublication order that previously applied.

MR HUNT: Thank you. That concludes the examination.

THE COMMISSIONER: Yes. Mr Griffin?

MR GRIFFIN: Commissioner, can I raise two things before I - - -

THE COMMISSIONER: Yes.

MR GRIFFIN: - - - ask any questions. Firstly, I indicated to my learned friend - - -

MR HUNT: Yes.

10 MR GRIFFIN: - - - at the state of the day that we seek to lift the suppression order in respect of the Corbin Report having reviewed it.

THE COMMISSIONER: You do, all right.

MR GRIFFIN: Subject to the Commission's view.

MR HUNT: And Commissioner, I don't have a view on it. It was, it was suppressed at the University's application.

20 THE COMMISSIONER: All right. Well - - -

MR HUNT: And I told my friend I'd come back to him and I apologise that I didn't but - - -

THE COMMISSIONER: That's all right.

MR HUNT: But I can't see any reason - - -

30 THE COMMISSIONER: Now that, that's Exhibit E - - -

MR GRIFFIN: 5, Commissioner.

THE COMMISSIONER: - - - 5. Right. Well then the nonpublication order formerly applying to Exhibit E5 is lifted. Thank you, Mr Griffin.

MR GRIFFIN: Commissioner, in the interest of time, can I indicate that, it may not surprise you to know I've been seeking instructions as to when the mandatory C100 provision - - -

40 THE COMMISSIONER: Yes.

MR GRIFFIN: - - - applied to the University?

THE COMMISSIONER: Yes.

MR GRIFFIN: I regret to say I'm not able particularly about precise date but I can indicate that my instructions are as follows. That on 17 January, 2013, Mr Meikle sent an email amongst others Angie Morton and the

Operations Citrus Response Group. That's the group that was implementing

- - -

THE COMMISSIONER: Yes.

MR GRIFFIN: - - - the recommendations and it referred to the CIO has issued a directive that all new contracts must be C100. So as best we can place it it's January, 2013, when it becomes mandatory.

10 THE COMMISSIONER: Thank you.

MR GRIFFIN: By way of background can I indicate the following, that in relation to this department of the University in 2011 there were 13 contractors under C100.

THE COMMISSIONER: Did you say 13?

MR GRIFFIN: Thirteen. And there were 41 non C100 contractors, that's
20 Contractors. And about early December of 2012 there were 24 C100
contractors and 17 non C100 contractors. Of those 17 non C100, 14 were
under contract which was to expire at the end of December, 2012.

THE COMMISSIONER: I see.

MR GRIFFIN: So by the start of 2013 there were only three - - -

THE COMMISSIONER: There shouldn't have been anybody left apart
30 from those three?

MR GRIFFIN: Effectively, yes.

THE COMMISSIONER: Right.

MR GRIFFIN: That's the best instructions I can obtain at the moment on
that issue.

THE COMMISSIONER: Thank you, Mr Griffin, that's useful. Yes.

40 MR GRIFFIN: Mr Meeth, is it the case that – my name is Patrick Griffin, I
appear for the University of Sydney. Is it the case that you resigned from
the University on 26 June, 2013?---That's correct.

And you worked for your last day under the notice period of 19 July, 2013?
---I don't recall it but it sounds correct.

And I think the following Monday you were going to take up your new
position?---That's correct.

Do you recall on 18 June, 2013 Mr Sean McNulty speaking to you in relation to a meeting he'd had with Mr O'Rourke from Michael Page?---No, I don't.

What I want to suggest to you is that Mr McNulty came to your desk at the University and told you he'd met with Michael Page, with the agency, and that either Michael Page or Canberra Solutions were charging, in his words, ridiculous margins, do you recall that conversation?---No, I don't.

10

Do you recall any conversation with him concerning Michael Page and Canberra Solutions?---No, I can't recall any.

THE COMMISSIONER: Sorry, Mr Griffin, what was the date of that conversation?

MR GRIFFIN: 18 June, 2013.

THE COMMISSIONER: Thank you.

20

MR GRIFFIN: Mr McNulty allegedly, alleges that you replied to the words of effect, I don't know anything about that. Do you have any recollection of saying words to that effect?---No, I don't.

He went on to observe that you said to him, to Mr McNulty, "Do what you need to do." Any recollection of that?---No, I don't.

It's the case isn't it that one week after 18 June you tendered your resignation, you've accepted that haven't you?---Yes.

30

You gave evidence earlier today that you were approached un an unsolicited fashion from a head-hunter about a new job, do you recall giving that evidence?---I do.

I want to suggest to you that it's more likely that you made the approach to find a new job because in the week after Mr McNulty spoke to you you realised that you didn't have a future at the University?---No, that's not correct.

40

Do you recall in March or April 2013 that the recommendations of Operation Citrus were being implemented?---No, I don't.

Well, if I tell you that Operation Citrus issued a report from this Commission in October 2012 that was the time when you were working at the University wasn't it?---That's correct.

And it would have been the subject of some discussion within the Department about firstly the ICAC inquiry and secondly the report, that's the fact isn't it?---I can't remember discussing it at all actually.

THE COMMISSIONER: Do you know that Operation Citrus was primarily involved with the same subject matter, that is fraud in IT contracts, did you know that?---Only at a very general level.

10 MR GRIFFIN: Well, if you accept from me that the conduct in relation to Operation Citrus occurred between January 2007 and August 2008, well before you were working at the University, and the University prepared a report of their investigation in October 2010, once again before you were at the University, and they provided that report to ICAC, just accept that timeline from me?---Well, I have no knowledge of them so - - -

20 Now the public hearings in Citrus before this Commission were between 20 and 26 March, 2012, 10, 11 April 2012 and 3 May, 2012. You weren't involved in any discussions with anybody within the department about those public hearings which were occurring at the time you were working at the University?---Not that I can recall.

Can I ask you to look at volume 2, page 110. If that could be supplied to the witness. 110 on volume 2. Can you see that's an email from David Kirk to Jovan and copied to you dated 13 April, 2012?---Yes.

Do you recall seeing that email?---No, I can't recall it.

30 Were you aware that the University was implementing changes prior to the ICAC report being published?---I wasn't aware of the timing. I know that the University is always implementing changes.

Well, let me be more specific. The University was taking steps to move to a C100 process considerably prior to October, 2012 when the formal written report of the Commission was released. You know that don't you?---I know they were working towards moving to the C100. Yes, I do.

40 So when you were dealing with Balu and Canberra Solutions you were aware that – your advice to him is he needed to go through a C100 company in respect to candidates wasn't it?---That's correct.

And you knew from your experience that a C100 company would typically take 10 per cent commission?---That's correct.

Have you ever asked Balu whether he was going to take a separate commission in addition to the 10 per cent that the C100 company would be taking?---No, I didn't but I should have.

Why should you have done that?---Because I think the margin that he has been taking is too high.

But, Mr Meeth, even if he was only proposing to take 10 per cent that wouldn't have been fair on the contractors would it because they'd be paying two commissions of 10 per cent when there was no need to do that? ---Well, I would, I would have assumed they'd pay whatever the C100 commission is and split that between the agencies.

10 Why did you make that assumption?---That's just how I thought the C100 worked.

On what basis did you have that belief?---I guess just from looking at bits and pieces of the C100 and speaking to people at the time.

Well, try and be specific about that. C100 was designed so that contractors would come to an organisation via approved companies, recruitment companies. You understand that don't you?---I do.

20 And you understood part of that scheme was those approved companies would take a commission in the range of 10 per cent?---Yes, I do.

You're now confronted with a situation where either the contractor was going to be paying two commissions or as you say your understanding was that they would split one commission. Is that your evidence?---That's correct.

30 On what basis did you have that understanding that the commission of 10 per cent would be split between the two companies?---Based on what I, what I'd read about the C100 at the time and speaking to people at the time.

Well, where in the C100 agreement is there a provision for splitting of commission?---I, I don't know off the top of my head.

What I want to suggest to you is that you are making that evidence up now because either you didn't turn your mind to it or in fact you chose not to explore that issue?---No, that's not correct. It's how I thought it worked.

40 Because you knew if Balu referred a contractor to a C100 the contractor if they knew the true situation wouldn't find the need to use their services would they?---Sorry, can you rephrase the question?

If Balu had of identified a contractor and referred them to one of the recognised C100 providers they could have stayed with that provider and not used Balu's services at all couldn't they?---They could have, yeah.

Did it ever occur to you to say to any of the Canberra Solutions people that that might be in their interest?---No, I was looking out for the University's interests.

And what did you identify the University's interests as being in that respect?
---To hire the best candidates.

10 But you now accept don't you as a result of questioning from Counsel Assisting that in at least a third of the cases the University's best interests were not met, patently because the candidate was not up to scratch?---I do accept that, yes.

Did you ever examine the performance of the Canberra Solutions candidates and ask the question why they appeared to be underperforming compared to those that came through the traditional route?---I don't think that those came through the traditional route performed substantially better.

20 Now do you say to the Commission that if they examined on a random basis contractors coming through C100 you would find a one-third underperforming rate?---My impression at the time was that they didn't perform substantially worse or substantially better.

30 What did you do during the interview process to try and reduce that, in my words, failure rate of contractors to an acceptable level or do you, do you assert that one third is an acceptable level?---No, I think, I think you can always improve upon that. I think – I'm not sure, the questions were fairly rigorous, I think more people were involved as time went on and I think that was a good thing, a bigger panel meant more or broader kind of questions were asked which improved things.

Well, with respect, Mr Meeth, I think those of us sitting here during the week would be hard pressed to view the recruitment process and particularly the interview as being rigorous, what do you say to that?---I think the, the interviews conducted by myself were rigorous and improved as time went on.

40 But you had no expertise in the areas that these contractors were being engaged to work in did you? Your expertise was in management?---It was in project management - - -

So how would they being - - -?--- - - - and they were being recruited as project managers.

Well, how were they being rigorously interview to ascertain their ability to discharge the role of the project manager?---They were being asked questions which were relevant to the job, their skills and their experience.

And if I can return to the point as you sit here today do you assert that a one-third failure rate was acceptable?---No, I, I don't, I think it was, I think it's much too high but I don't think it was specifically better or worse than other agencies.

Thank you, Commissioner.

10 THE COMMISSIONER: Did you at any time say to Balu during all of these communications you had with him over this period that you were a little bit unhappy with at least three of the candidates that had come through
is company and that you expected him to do a better job by way of putting
forward more qualified candidates for the positions?---I did, Commissioner.

You did have that conversation with him?---I did.

20 And what was his response to that?---He said he would, he said he'd put through high quality candidates and so I took him to some examples where he didn't put through some high quality candidates and he said he would improve upon that. He then took me to, I don't know, a program he was running about upskilling his candidates or training them or something like that which I thought was actually a good, a good thing for the University.

30 And so why was it that even after you had this conversation with him you didn't revise your view of Canberra Solutions that you've expressed a number of times, namely that you used Canberra Solutions because you found them to be a very good provider of IT personnel who essentially gave the University value for money, you simply just – you didn't revise that view, you simply told Balu that he needed to lift his game, was that the extent of it?---That's correct, I didn't, I don't think I revised my view, I know it was based, just based on experience not only with Balu but with other agencies at the time where I had to make other, had to let other contractors go for non-performance as well.

THE COMMISSIONER: Does anyone else have any questions before we get to Mr Dennis? Mr Dennis, do you have any questions?

MR DENNIS: I have no questions, Commissioner.

40 THE COMMISSIONER: Anyone else have any questions? Anything arising, Mr Hunt?

MR HUNT: There's just one matter just picking up from what – the Commissioner's last question. Your position is that your view about Balu and his reputation and the quality of his work is undiminished by anything that you've heard here. Correct?---No. I think everything I've heard here has diminished his reputation but at the time I thought he put through excellent candidates.

So it's become diminished during the course of your examination compared to the way you expressed yourself at the beginning of your evidence before the Commissioner today where you've said you still held him in high regard?---That is correct. As a result of the evidence presented to me.

So up until today anything you've heard or seen hadn't caused you to revise your view?---No. I thought Canberra Solutions were a decent organisation.

10 Even after things that you heard about in the compulsory examinations for instance - - -?---On - - -

- - - your view remained unrevised until during today. Correct?---Well, with the exception of hearing about some of the margins he was charging that is correct.

The only other matter – there are two other matters. That concludes the evidence might I say.

20 THE COMMISSIONER: Yes.

MR HUNT: In terms of the lifting of the suppression that was attaching to the Corban Report which is Exhibit 5, there are some personal materials - - -

THE COMMISSIONER: Oh, yes. Right.

MR HUNT: - - - that will need to be redacted from that.

30 THE COMMISSIONER: Well, I should say then, Mr Griffin, that the non-publication order that was lifted in relation to Exhibit E5 of course can't be lifted on the personal identifying information that appears within the report.

MR GRIFFIN: Commissioner, I assumed that would happen in accordance with the Commission's usual policy.

THE COMMISSIONER: It happens in the usual course of events.

MR GRIFFIN: Yes.

40 THE COMMISSIONER: Yes, thank you.

MR HUNT: You can stand down, Mr Meeth.

THE COMMISSIONER: Thank you, Mr Meeth. You can stand down. You're excused.

THE WITNESS EXCUSED

[3.03pm]

MR HUNT: Your Honour, as to a timetable, given the time of year and the scope of this particular operation as Counsel Assisting I perhaps optimistically contend that submissions be provided by me by Friday, 4 December which is three weeks and that would mean that those who wish to put something on in response could do so in a fortnight by 18 December and then that aspect is all squared away before any festive break that anyone may have, if that's convenient.

10 THE COMMISSIONER: How does that timetable sound, Mr Griffin? Mr Dennis? Are you able to respond, Ms McGlinchey?

MS McGLINCHEY: I am able to respond to that.

THE COMMISSIONER: Mr Dennis?

MR DENNIS: I have some doubt whether we will make submissions, Commissioner.

20 THE COMMISSIONER: All right. Well anyway, look, in the event that anyone needs an extension I'll consider an application for an extension but at this stage I think I'll just agree with the timetable suggested by Counsel Assisting.

MR GRIFFIN: With respect, Commissioner, that timetable suits us. Can I indicate that we've also been in formal discussions with Mr Marks on the corruption prevention issues.

30 THE COMMISSIONER: Yes, yes.

MR GRIFFIN: And that we will meet with him sometime in the next couple of weeks.

THE COMMISSIONER: Right.

MR GRIFFIN: So any heads-up from Counsel Assisting as to preliminary thoughts as to recommendations would be appreciated.

40 THE COMMISSIONER: I think that that's a sensible course, Mr Griffin, yes.

MR HUNT: Thank you. I'm grateful for the indication.

THE COMMISSIONER: All right. Well, then I'll - - -

MS McGLINCHEY: Commissioner can I - - -

THE COMMISSIONER: Sorry, Ms McGlinchey.

MS McGLINCHEY: Just before you – I'm sorry. Just before you adjourn just a clarification. The suppression order on Mr Meeth's CE has been lifted. Does that now mean that it is an exhibit before this - - -

THE COMMISSIONER: No, no, no. It was simply lifted for the purposes of Counsel Assisting putting certain propositions to the witness but also in terms of perhaps relying upon the compulsory examination to the extent that he might need to for submissions.

10

MS McGLINCHEY: Thank you. But it won't be tendered generally publically.

THE COMMISSIONER: No.

MS McGLINCHEY: Thank you.

THE COMMISSIONER: All right. Well the submissions from Counsel Assisting should be filed and served on or before 4 December with a
20 response from the parties on or before 18 December and we can revisit the question of any further reply from Counsel Assisting after the Christmas break, I think. But in the absence of there being any, any need - - -

MR HUNT: Can I make one inquiry whether it would affect the ability of those who wish to respond to respond if it would make any vast difference if Counsel submissions – Counsel Assisting submissions would by 7
December rather than, in other words just that - - -

THE COMMISSIONER: Well it's only the Monday rather than the Friday.
30

MR HUNT: That would deprive the parties of one extra weekend but it would give me one extra weekend.

MR GRIFFIN: There's no difficulty on our part.

THE COMMISSIONER: All right.

MS McGLINCHEY: We don't have a problem with that we'll fit in.

40 MR HUNT: Thank you. And I think Mrs Hughes is actually very happy about that program. I don't know, Commissioner, you might not have seen but she remains there.

THE COMMISSIONER: All right. Well I'll - - -

MR HUNT: - - - I'm grateful.

THE COMMISSIONER: I'll amend that so the submissions from Counsel Assisting are to be filed and served on or before 7 December with responses on or before 18 December. I'll adjourn this public inquiry. Thank you Counsel for your assistance. Sorry, Mr Dennis.

MR DENNIS: Just so that my understanding is perfectly clear on what past between yourself and Ms McGlinchey. I take it that Mr – the limited lifting of the suppression order on Mr Meeth's - - -

10 THE COMMISSIONER: CE's?

MR DENNIS: Yes, doesn't, doesn't extend as far as my obtaining a copy of those transcripts?

THE COMMISSIONER: Well, well, no, there's reason why you shouldn't obtain a copy. I think you're going, it's a matter for you but there's no reason why you shouldn't access a copy. I've simply lifted a nonpublication order so that they're available to be published.

20 MR DENNIS: Yes, thank you.

MR HUNT: I don't think there's the need for any further order, Commissioner.

THE COMMISSIONER: No. All right. Well, as I said, thank you to Counsel for your assistance and I'll adjourn. Thank you.

30 **AT 3.07PM THE MATTER WAS ADJOURNED ACCORDINGLY**
[3.07PM]