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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 21 MARCH 2012

AT 2.02PM

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

ASSISTANT COMMISSIONER: Thank you. Please be seated. Yes, Mr Anderson, you're still under your former oath.

<DAVID GARETH ANDERSON, on former affirmation [2:02pm]

THE WITNESS: Correct.

10 ASSISTANT COMMISSIONER: Thank you. Yes, Mr McIlwaine, are you ready?

MR McILWAINE: Thank you, Commissioner. Can Mr Anderson be given a copy of his statement? Is that in front of you Mr Anderson?---I beg your pardon?

You have your statement?---Yeah, correct.

20 ASSISTANT COMMISSIONER: It's Exhibit 17.

MR McILWAINE: It's 4 April, 2011. Is that in front of you? Firstly if you can just go to the first paragraph of that statement?---Was that paragraph 10, sorry?

Paragraph 1?---Oh, paragraph 1. This statement made by me accurately sets out the evidence which I would be prepared if necessary to give in court as a witness?---Ah hmm.

30 And it goes on, this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to punishment if I have wilfully stated in it anything which I know to be false or do not believe to be true. See that there?---Correct.

Did you read that before you signed the statement?---I did.

You understood therefore the importance of being truthful in the statement? ---Correct.

40 Do you say today that everything contained in your statement is truthful? ---Yeah, that first statement I don't disagree with it, to the best of my knowledge everything in that is true.

All right. Okay. Just turn to paragraph 5, please. Do you see there you say prior to commencing work at the University I never met any person from Succuro Recruitment. I had been working about three months before I signed any contract, employment or taxation forms for Succuro Recruitment. Is that true?---To my best of my knowledge correct, yeah.

So you could be wrong about that?---I don't think I am, but no.

You believe (not transcribable). It's something I take it – did you raise that with the investigators or did they ask you about that?---They asked me firstly if I met with anyone before I engaged with Succuro and I explained that it was, as I was before, I put the application in through the internet and I had a phone call and then I met with the University staff.

10 Did they ask whether you'd signed a contract - - -?---They - - -

- - - or did you tell them that you did sign a contract for three months? Can you recall whether you (not transcribable) or they asked you?---Off the top of my head I can't recall what way, no.

The truth is Mr Anderson you signed the, you started work on or about the 8 October, 2008. Is that correct?---Correct.

20 So, the 7 October, 2008. And you signed the contract with Succuro on the 3 October, 2008. That's correct, isn't it?---Can I see the contract?

Certainly. (not transcribable) the document. I'll show you a three page document.---Ah hmm.

Turn to page three. Is that your signature?---That's my signature.

Is that date there said by you?---Yeah, correct.

30 So do you agree, sir, that you signed that contract for your employment with Succuro on the 3 October, 2008 four days before you commenced employment?---That looks to be the case, yes.

So you're totally wrong about the important fact as to whether or not you signed the contract before you started, aren't you?---Yeah, that looks to be the case there.

Well, it doesn't look to be the case there it is the case, isn't it?---Yeah. The main issue that I raised with them - - -

40 Sir, it is the case that you are wrong about that important fact. Correct? ---Correct.

Thank you. Now moving onto the rest of (not transcribable) are there any other facts in your statement which you now can see may not be correct? ---Not to my recollection, no.

Be very careful of that because you're under oath, Mr Anderson, to tell the truth, these are important matters. Is there any other matter contained in

your statement, you can have a good look at it again if you like, did you now want to retract?---Not that I can see here, no.

Now go to your statement at page 2, the top of paragraph 4 which commences on the previous page.---Yeah.

You say you responded to an advertisement and you were later contacted by Bill Mylonas. Correct?---Correct.

10 That was by telephone. Correct?---Correct.

I think you said in your evidence that he didn't discuss your qualifications and experience with you. Is that - - -?---Not to my knowledge over the phone call, no.

But in your statement you say, "He advised my resume looked good", so clearly there was some discussion about your resume. Correct? It's your own words?---Yeah, I'm just trying to interpret that.

20 I take it when you made that statement you had a recollection of him saying to you words to the effect, "That your resume looked good"?---He said my resume looked good but that didn't go in detail about - - -

But in any event that's something he spoke to you about - - -?---Ah hmm.

- - - about your background?---Ah hmm.

In fact I suggest to you he spoke to you at some length about your background and it was expressed to you that he was very impressed with
30 your strong skills - - -?---I can say - - -

- - - based on your resume. Do you agree with that?---It was a very brief phone call I know that for a fact 'cause we were on the way to bury my granddad when I got the phone call so I remember that clearly but like I said he said the resume was good but I do not honestly remember going into any details on job history or anything like that.

You don't remember that?---I don't believe that took place.

40 Well, you see you can't remember when you signed the contract with him, can you? Correct?---'Til now, correct.

So I suggest to you, would you agree to the proposition that your memory about the conversations and events that occurred in October 2008 is not the best. Do you agree with that proposition?---Yeah, it's a long time ago.

You agree with the proposition your memory's not the best, correct, yes or no?---Yeah, about, about the contract, yes.

And about conversations you had, correct?---I honestly don't think that that's the case in regards to that conversation. The conversation didn't go into a great deal at all.

All right. So you say you can remember that conversation, correct?---To a certain extent, yeah.

10 Can you remember how you got the contract that you signed on 3 October to Mr Mylonas, how you physically got it to him?---I can only assumed it would have been email.

Don't look at the document please, don't look at the document, please just answer the question.

MS OAKLEY: Well, I object.

20 MR McILWAINE: First thing, on who's behalf is this, is counsel objecting?

MS OAKLEY: Well, I'm entitled to object.

ASSISTANT COMMISSIONER: Well, I think this witness is unrepresented so - - -

MR McILWAINE: But I'm entitled, Commissioner, to ask the witness to answer the question without reference to a document.

30 ASSISTANT COMMISSIONER: You are, I just wonder about the relevance of any of this, about the discussions they had about whether his resume was good or not. What is this going to?

MR McILWAINE: Well, why was it led, Commissioner, is the question I would ask and that's the reason why I sought to have this material suppressed, because in my view it is totally irrelevant to this inquiry but it's being led, it's out there, it's prejudicial to my client (not transcribable)

40 ASSISTANT COMMISSIONER: How is it prejudicial that your client said your resume looks good?

MR McILWAINE: Well, the suggestion from - - -

ASSISTANT COMMISSIONER: Let's have a job interview?

MR McILWAINE: The suggestion from this witness was that my client had been in some way unprofessional in the way he dealt with him in his recruitment and that was the - it's the whole, it's the whole tone of his statement, it's the whole tone of the - - -

ASSISTANT COMMISSIONER: He never gave, he never gave evidence that it was unprofessional at all.

MR McILWAINE: He didn't use those words, Commissioner.

10 ASSISTANT COMMISSIONER: Well, he's outlining as I understand it what he recalls of how he was contacted and what happened. I'm quite happy for you to put to him that that factually did not happen but this issue to me is irrelevant, how, how much they discussed or didn't discuss his resume because it seems to me it's all just a question of degree. If he liked the look of the resume and he said come in for an interview, nobody's saying there's anything wrong with that.

MR McILWAINE: Well, if that's the Commissioner's view I don't, not prepared to take it - - -

ASSISTANT COMMISSIONER: Well, that's certainly my view.

20 MR McILWAINE: I'm happy not to take it any further.

ASSISTANT COMMISSIONER: Yes.

MR McILWAINE: If it is clear on the record there's no suggestion that my client acted otherwise than professionally in the recruitment of this witness I have no questions about that particular topic.

30 ASSISTANT COMMISSIONER: Well, I'm not going to say he acted professionally or unprofessionally. What's been outlined here is factually what this witness says occurred that led to his employment. If you on behalf of your client wish to put to him something here is factually incorrect then you may do so.

MR McILWAINE: (not transcribable) Commissioner.

ASSISTANT COMMISSIONER: All right.

40 MR McILWAINE: I'll move on to the next point. Just in regard to your initial recruitment by Sydney University, all your dealings were with Mr Mylonas, is that correct?---Yeah, correct.

Or people at the University subsequently?---Correct.

Correct. Certainly you had no dealings with Virginia Kantarzis, correct?
---(NO AUDIBLE REPLY)

You're shaking your head?---No.

Your answer's no?---Yeah, no.

Now you say in paragraph about Virginia Kantarzis we're not sure of her exact, her exact role but she sometimes did telephone interviews with new contractors. Now is that something you know from your own knowledge or something someone else told you?---So on my first day there Aleks Jankovic asked me if - - -

10 Sorry, your first day at the University?---At the, at the University, Aleks, the other contractor I knew of on Succuro asked me if that's how I was engaged by Succuro and I said no, it was through Bill Mylonas.

So that's something that was told to you by Aleks?---Correct.

Well, just going back a step I think you actually said he asked you if you were spoken to by Virginia, is that correct?---Well, he said who did you speak to and I said Bill and he goes did you speak to Virginia, she's the person I spoke to there, it was just general conversation.

20 All right. So this person didn't tell you that she did telephone interviews for the contractors?---Well, she told, he was a new contractor, he started there about two weeks before and he told me that's what happened to him.

He told you that?---That's, that's what he told me, yeah.

You remember that?---That, that's what I just said, yeah.

30 You remember that conversation?---I don't remember it verbatim but it was along those lines, he told me that Virginia was the person who engaged with him originally.

So you remember that conversation despite the fact that - - -

ASSISTANT COMMISSIONER: Mr McIlwaine, as I understand it there's no dispute that Mr Kantarzis used to do telephone interviews for contractors, that's as I recall the evidence that's been given in this matter earlier, in compulsories?

40 MR McILWAINE: Pardon me?

ASSISTANT COMMISSIONER: In compulsory examinations. I don't see how this could be disputed by your client.

MR McILWAINE: Certainly in regard to Sydney University staff it is, Commissioner?---He was a contractor.

ASSISTANT COMMISSIONER: He was not saying it was – he was not saying – this does not say it was for Sydney University staff. It says she

sometimes did telephone interviews for new contractors. So I don't see the point in cross-examining him at depth about what was said to him.

MR McILWAINE: Well as long as – I challenge the witness on that Commissioner. My client will give his evidence in due course.

ASSISTANT COMMISSIONER: Yes, that's right.

10 MR McILWAINE: And I think in paragraph 8 in relation to your payment -
- -?---Yep.

- - - you concede that your only knowledge of what Sydney University was being charged was based on what was told to you by Mr Apin. Correct?
---Correct.

Commissioner, I've produced some documents to Counsel Assisting in relation to that.

20 MR MORRIS: Yes.

MR McILWAINE: That – if there's any issue about that.

MR MORRIS: Commissioner, we've been given some invoices and other documents which I understand indicate a particular figure was being charged by Succuro in relation to this witness. And they'll speak for themselves.

30 ASSISTANT COMMISSIONER: What about the contract that was shown to this witness, where did that come from?

MR MORRIS: That was given to us shortly before lunch.

MR McILWAINE: Can I say this, Commissioner, on that, sorry - - -

MR MORRIS: Please.

40 MR McILWAINE: On my instructions it was provided to Commission investigators by my client some time ago. A further copy was downloaded from the computer system and provided after lunch (not transcribable)

ASSISTANT COMMISSIONER: Well do we know whether we have that document - - -

MR MORRIS: Otherwise?

ASSISTANT COMMISSIONER: - - - otherwise?

MR MORRIS: Certainly it's not something that I recall seeing, but we're making inquiries as to when it was produced to us, if it was produced to us. And we'll be in a position to let you know probably in the morning.

ASSISTANT COMMISSIONER: Well I think as it's been shown to the witness it should be tendered - - -

MR MORRIS: I think that's - - -

10 ASSISTANT COMMISSIONER: - - - just so that the record's clear.

MR MORRIS: Absolutely.

ASSISTANT COMMISSIONER: So if we could tender whatever copy – can I see it?

MR MORRIS: Yes, certainly.

20 MR McILWAINE: And copies for me.

ASSISTANT COMMISSIONER: So this is obviously a scanned copy that's been downloaded. Is that - - -

MR MORRIS: It appears to be, yes.

30 MR McILWAINE: If I could outline the nature of it, Commissioner. My instructions, it was scanned by this witness and forwarded to my client's business address. He had it on his computer system and printed it out over the luncheon adjournment.

MR MORRIS: You Honour, while we're doing this, engaged in this process we were also given a bundle of other documentation by my friend. And can I propose that we try and keep them in sort of chronological order by marking them relevantly, perhaps Exhibit 17A, B, C, D and following. Because that way we'll then know, everybody will know that they all relate to this witness' evidence.

40 ASSISTANT COMMISSIONER: Yes. I mean this, I mean this is I presume a contract but it's a letter really, it's a letter to Mr Anderson saying sign this, sign this letter - - -

MR McILWAINE: It's conditions of employment.

ASSISTANT COMMISSIONER: - - - accepting the terms and conditions of employment. Yes, sorry, so that's, the letter to Mr Anderson signed 3 October, 2008 will be Exhibit 19.

#EXHIBIT 19 - CONTRACT OF EMPLOYMENT SIGNED BY MR ANDERSON

MR MORRIS: I'll also tender a consultancy agreement with respect to Succuro Recruitment with respect to Dave, and that's how it's said, Dave Anderson and I've got copies for distribution. That again was provided to us - - -

10

MR McILWAINE: (not transcribable)

MR MORRIS: I'm sorry, that was produced to us.

ASSISTANT COMMISSIONER: Yes.

MR MORRIS: And there's also a recruitment confirmation which I tender.

20

ASSISTANT COMMISSIONER: Well, the consultancy agreement and the recruitment confirmation I think can be exhibit 20.

#EXHIBIT 20 - CONSULTANCY AGREEMENT & RECRUITMENT CONFIRMATION

30

MR MORRIS: Commissioner, I'll also hand up a tax invoice dated 20 March, 2009 relating to services provided in December 2008 which Mr McIlwaine gave to us just shortly before lunch and which I understand we haven't otherwise (not transcribable) I don't have spare copies of that for distribution - - -

MR McILWAINE: I have some copies.

MR MORRIS: - - - but - thank you, Mr McIlwaine.

ASSISTANT COMMISSIONER: Yes. This tax invoice, invoice number S-u-3-0-0-7-0-4 will be exhibit 21.

40

#EXHIBIT 21 - TAX INVOICE NUMBER SU300704 DATED 20 MARCH 2009

MR MORRIS: Thank you, Commissioner.

MR McILWAINE: If you turn to paragraph 10 of your statement. You see that's about an incident involving a Mr Shia Cohen?---Yeah.

Where you suggest that you were having a conversation with Mr Cohen when he had a telephone conversation with Mr Mylonas?---Yeah.

I suggest to you that didn't happen. What do you say about that?---Um - - -

10 The conversation as you've detailed there didn't happen?---As I was there it did happen. I've got an email on my phone where Shia's pretty much repeating it saying he's continually trying to call Bill to engage with him about the contract 'cause it's expired but Bill doesn't return his calls or emails.

The question I asked you - you say that conversation took place. Now the (not transcribable) of that is that Mr Mylonas refused to help people either move onto a permanent position or extend their position because he'll lose some signing on fee. That is your understanding of it. Correct?---Correct.

20 Now do you have any knowledge of Mr Mylonas ever having received a fee from the University or the recruitment of an hourly rate contracted to the University? That is not someone who becomes permanent or not someone who goes from temporary to being permanent - - -?---Ah hmm.

- - - but the initial employment of someone on an hourly rate? Have any knowledge of that ever happening? So you're saying in terms of me being engaged by - - -

For example when you were engaged - - -?---Yeah.

30 - - - you were engaged as a contractor on a short term basis on an hourly rate?---Ah hmm.

Do you say that Mr Mylonas received any fee either in your case or a case the same as that?---A - a fee other than the hourly rate for us being there?

Apart from the hourly rate?---I don't know. I'm purely going from the phone conversation here.

So you have no personal knowledge of such a thing ever happening?---No.

40 Now you of course commenced as a hourly rate employee in October 2008 - - -?---Ah hmm.

- - - and subsequently became a permanent employee in October 2010 at the University. Correct?---Correct.

To your knowledge no fee was collected by Mr Mylonas when your employment status changed from casual rate to an hourly rate to a permanent fee to your knowledge anyway. Is that true?---I don't have a

specific answer towards that but I got an answer not specific towards that. I can't give you a yes or no.

Yes, you can. Do you have any knowledge of Mr Mylonas receiving a fee when your employment status changed from an hourly contractor to a permanent officer. Yes or no?---Commissioner, can I ask a question that might be able to help me answer that or?

10 ASSISTANT COMMISSIONER: Do you understand the question? I understand the question. I was given background information around it by George Tsipidis at the time, I don't know if this directly applies to this though.

Well, if you could just try to answer the question for - - -

MR McILWAINE: Perhaps if I ask - - -

ASSISTANT COMMISSIONER: Yes.

20 MR McILWAINE: Do you have any direct knowledge of any - putting aside anything that somebody else may have told you, of a fee being paid to Mr Mylonas when your employment changed from contractor to permanent employee?---Sir, I was told that there was no fee paid.

No forget, sorry?---I was told that there was no fee paid.

Okay?---Can I say why that was though?

30 No, I think you've answered the question. So you had no knowledge of a fee being paid. Correct?---In those words, yes.

Thank you. Now you made a number of complaints in your statement about the way you were treated by Mr Mylonas?---Ah hmm.

Correct?---Correct.

40 I take it in those circumstances you would not recommend him as someone, someone should go to for employment. Correct?---I wouldn't comment on the matter.

Answer the question, you didn't answer the question. You would not in those circumstances recommend him to a friend for example as a place where he could seek employment?---No, I wouldn't offer the recommendation.

All right?---Not on the basis of him, on the recommendation to anyone I wouldn't be willing to offer that recommendation.

Are you known as [REDACTED]?---Correct.

And that's your email address [REDACTED]?---Yeah, Correct.

And do you have a friend called Shaun Moody?---Yeah.

And did you on 6 October, 2009 forward his resume to Mr Mylonas?---I don't know, possibly.

10 I'll show you the document?---Yep, that's from my email to Shaun.

So you accept now – you now remember that on 6 October, 2009 you sent an email with Shaun's resume to Mr Mylonas. Correct?---Correct.

And you did that after that conversation we've been – about whether Mr Mylonas could help Mr Moody's employment through his company. That's true isn't it?---I don't know. He got retrenched from Apple at the time, a bunch of them did and I forwarded their resumes on.

20 All right. Well do you not recall having any conversation with Mr Mylonas about this subject?---Until you showed me this email I didn't remember it, no.

So again this is another example of problems with your memory. That's correct isn't it?---Is this on the basis of me sending an email to Bill though or me saying someone advocating for Bill?

MR MORRIS: I'm not sure that the two propositions necessarily follow. I mean granting giving a recommendation on the one hand and forwarding a resume for somebody who's lost their employment are two different propositions.

30

ASSISTANT COMMISSIONER: Yes.

MR MORRIS: And I don't think it follows.

MR McILWAINE: You were quite prepared to suggest to your friend Shaun Moody that Mr Mylonas might be a place – a person for whom he – with whom he could gain employment. Correct?---No. The University of Sydney was hiring multiple positions at that time and I was told any of my previous colleagues at Apple that I worked with if they were to get a job they'd need to apply through the means of Succuro. Bill Mylonas was my contact to Succuro, succuro@succuro.com.au or bill@succuro.com.au. Hence why I forwarded the email to him.

40

So you gave Mr Mylonas' contact in the hope that he might gain some employment at the University through Mr Mylonas?---Through Succuro, correct.

Now I think you referred in your evidence to a friend who tried to leave the employment of Mr Mylonas and go through another agency. Do you remember – I think his name was Bruce. Is that correct?---Bruce.

What's his surname?---I don't know.

Are you aware that subsequent to leaving Mr Mylonas' employment and contacting another agency that the person Bruce re-contacted Mr Mylonas (not transcribable) to be employed by him again?---No.

10

You're not aware of that?---There's no way I'd be aware of that.

Nothing further, Commissioner.

ASSISTANT COMMISSIONER: Thank you.

MS McGLINCHEY: Mr Anderson, I represent Mr Tshipidis, George Tshipidis. Now, in response to some questions by Counsel Assisting you said in your statement as well that other contractors were unhappy with conditions of work at Succuro - - -?---Yeah.

20

- - - Recruitment and wanted to directly subcontract themselves to the University?---Correct.

Yeah, that's correct. Would it be fair to say that the cause of some of this unhappiness would have included payslip problems?---Correct.

Superannuation problems?---Correct.

30 And some just general irregularities about pay?---Pretty much payday was Wednesday, I've got an email saying Wednesday, our payday was Wednesday to Monday so there was no given payday so there was always an issue with pay.

Would it also be fair to say that these issues affected a number of subcontractors and that there were - those issues were discussed pretty freely amongst the contractors?---It was general office talk.

40 And Mr Tshipidis was a contractor as well?---I didn't know about that at the time but, yeah.

Well, he would have been included in this general office talk as well?---This was talk amongst I suppose the team players, George was our team leader so it's not that like, yeah, if we had an issue with this we'd bring it to him but it's not the day to day, he wouldn't be involved in our day to day conversations.

Now you were employed on a six month contract?---What they called a rolling six month contract.

And you would have known that there were many barriers to simply breaking a contract and moving to subcontracting to the University independently?---This was outside of my six month contract though.

Well, but just generally, I'm talking about conditions that applied across the board to contractors?---I can definitely understand that, yeah.

10

So you couldn't just make up your mind that you didn't want to contract through Succuro, that you wanted to contract directly to the University? ---Yeah, I definitely understand that but at the same time if you're not getting paid - - -

Oh, no criticism at all on that but there was a process to be followed? ---Correct.

20

And there would be consequences of simply breaking the contract with Succuro?---Yeah, but I, I'd, I'd be understanding if the agreement to the original contract weren't being adhered to, that that had already been broken.

Right. But you couldn't just - I understand that - I'm not sort of saying you didn't have causes of complaint at all, I have no knowledge about that at all - - -?---Ah hmm.

30

- - - but you would know that you couldn't just break a contract or walk away from a contract and expect the University to pick you up as a subcontractor?---I can understand that, yeah.

There would be a process to be followed?---Ah hmm.

And there may be - it may be that the University wasn't willing to just pick up contractors as independent subcontractors?---Pretty much for every other team bar ours, it seemed to be the case that they were.

All right. But, but certainly not in your team then?---Not in our team, no.

40

All right. And it would depend on really whether the University had opportunities to do that as well?---Well, there was the Uni staff there that was purely for that and my understanding after meetings with HR further into the tenure at the University was under no circumstances were people to be engaged in an external capacity when the University provided these services in-house which obviously added to the confusion but, yeah.

But nevertheless there were subcontractors employed?---Correct.

And you were one of them?---Correct, initially.

And there were various other ones as well?---Correct.

And this general sort of discontent and ways of resolving it was generally discussed around the corridors and in the office?---In the office yeah, correct.

10 So if someone said to you that contractors could not direct contract to the University because of arrangements between the University and Succuro, well, that would be a fact, wouldn't it?---Correct, if you were engaged by Succuro originally.

Yes. Well, and during the term of your engagement with Succuro?---Yeah.

And in any event these arrangements didn't prevent you from getting a job ultimately with the University, a permanent job, did they?---No, that was well outside of the initial contract thought.

20 Yes, after your contract - - -?---Yeah.

- - - there were no barriers put in your way - - -?---Yeah.

- - - to applying for a permanent position?---Correct.

Thank you. That's all I have.

30 ASSISTANT COMMISSIONER: Thank you, Ms McGlinchey. Does anyone else wish to question this witness? Yes, Mr Gibson.

MR GIBSON: Mr Anderson, my name's Gibson and I represent Mr Demiralay?---Ah hmm.

I will ask you some questions. Firstly, by reference to your statement, in paragraph 7 of your statement I think (not transcribable) as well about some perception about staff, about where money was being spent within the department. Do you see that, the bottom of paragraph 7?---Correct, yeah.

40 Well, you didn't know the budget details for the department you were working in did you?---Definitely not.

Paragraph 10 - and you gave some evidence about a conversation you had with someone called Bruce. Do you recall that?---That's not in paragraph 10 I don't think. Bruce.

Yeah, Bruce.---That was verbally discussed today, that's not in the statement though.

Right. Wasn't that the conversation where (not transcribable) George Tsipidis?---Correct.

I just want to confirm that, you know Bruce was complaining about not being able to be paid by Succuro?---Correct.

Not being able to change his contract?---Correct.

10 Just been asked some questions from another lawyer about that, haven't you?---Ah hmm.

I want to confirm that what happened was you heard something from Bruce who heard it from Mr Tsipidis who currently heard it from Mr Demiralay. Is that right?---No, no. I was with Bruce.

He told you about a conversation he'd had with Mr Tsipidis?---I was in the room.

20 With Mr Tsipidis?---It was in our office space.

Who was there?---I can't tell you who was there.

Bruce?---I know Bruce was in there, yeah.

30 He was telling you about a conversation he'd had with someone else?---Sir, the - Bruce had engaged with Hays, they're another consulting firm, about coming in to be able to be run through them 'cause they said they'd happily engage with the University and put us on his contract as the University would only engage with contractors for whatever reason and in the room we were told that the employment was with Succuro and would not be changing.

Bruce told you that?---No, no, George said that directly to Bruce.

You said also in the statement there that you'd had a conversation with Mr Demiralay about starting up through an IT company?---Correct.

Is that because you wanted to do some work outside the University?---Outside of hours outside the University, correct.

40 Were you going to do that with other staff in the University?---No, just myself.

Did he refer to the fact that he had at some stage had an IT company of his own?---He said he has a company, he doesn't care what I do outside of work.

He didn't tell you he had a recruitment company did he, he said he had an IT company?---It was technology I think was the exact termination but Succuro (not transcribable) Technology.

I didn't ask you that, sir, I asked you about the conversation you had with him.---Yeah.

10 He said an IT company didn't he?---I was under the impression it was technology, I don't know if meeting up when recording the statement, this isn't my words verbatim it came off a dictator and technology might have been abbreviated to IT. IT is an acronym for information technology, so.

This isn't your statement, this isn't your words?---No, this is my statement.

Are these your words?---These are my words.

That was an IT company?---I - I can only agree to your repeat what I just said then.

20 Thank you.

ASSISTANT COMMISSIONER: Thank you.

MR GOLLAN: Commissioner, I'm sorry to (not transcribable) such a thing. I had cross-examined by, these documents hadn't come into my existence, my possession of, any of those before we rose at morning tea. Might I be afforded just an opportunity to ask about the email that was sent from David to Bill Mylonas that has just been handed around amongst the bar table.

30

ASSISTANT COMMISSIONER: Yes.

MR GOLLAN: Okay then. I'll keep it to that narrow scope if I may.

ASSISTANT COMMISSIONER: Yes, Mr Gollan. Have you got a copy of that email? At this stage you had recognised at least from your perspectives and issues with the employment with Succuro. Correct? ---Correct.

40 MR GOLLAN: And Shaun, whether he's a close friend or otherwise, is someone that you were seeking to promote to some other employer because of his ill-fortune and circumstances?---Well look rather than have him chasing the dole I figured this was a better option.

Yes. And to that end when you introduced the email with, Hi mate - - -?
---Ah hmm.

- - - that's rather a matter of engendering some kind of recipient rather than the relationship that you had with Mylonas at that time. Is that right?---If I was to say mate, if I knew someone and I was catching up with a second time, I'd comfortably say g'day mate or hey mate, how you going. It's not a term of endearment, just - - -

It's not a – it would be wrong for us to presume in inherent in that that you have a close relationship or indeed a respect for Mr Mylonas?---No. Correct.

10

Thank you.

ASSISTANT COMMISSIONER: Mr Anderson, when did you find out that Mr Demiralay and his wife had an interest in Succuro?---I'd have to go through my emails to give you the exact, the exact date. It was a couple of months before I left, I know that, but I don't know the exact date off my head.

20

When did you leave?---I left around November, off the top of my head, in 2010.

Okay. So it was only a couple of months before that that you found out? ---Prior to it, yeah.

Yes, okay. Yes, does anyone else have any questions?

30

MR MORRIS: Just two matters. Mr Anderson when Mr McIlwaine was asking you some questions you were looking at something, was that a mobile phone?---No, no my mobile phone is out in my bag.

Oh right?---I've got nothing in my pockets, just cash.

Okay. I was just – you mentioned that there might have been a text message or something and I was wondering whether you were scanning?---No, no, no, it's out there. I can definitely go get it if you want to see it.

40

No, no, I don't, I don't wish to delay you any further. The only other thing is that you said something in answer to a question by Mr McIlwaine about the recruitment of external contractors and your section being the only one - - -Ah hmm.

- - - who didn't permit it?---I don't know if it was permitted, it just wasn't practiced.

I see. So is what – what were you trying to – by drawing that distinction what were you trying to convey to the Commission?---Well I just wanted to make it clear when Unistaff was mentioned that it wasn't, there was no alternative for us to ever to initially go through there or there was no ads for,

as far as I knew when we were inside there by Unistaff for casual employees. So we didn't get stuff like pro-rata'd leave, anything along those lines. We were purely paid on a rate, yet all the other services that I was aware of minus a handful of people who were employed by Succuro or no the Unistaff so all your casual, semi-permanent, help desk and all those people who we worked closely beside in the same faculty that we worked in had all the benefits of being employed by them, but we didn't get that opportunity.

10 Right. So you say you were stuck with Succuro were you?---Correct.

Yes. Thank you.

ASSISTANT COMMISSIONER: Yes, thank you. Well if there's nothing else, sorry to have kept you for so long Mr Anderson?---No, you're right.

But you are now excused from further attendance.

20 **THE WITNESS EXCUSED**

[2:43pm]

MS OAKLEY: Just before the next witness is called could first of all I seek leave to appear from Sarah Collins. Her statement was tendered yesterday and was Exhibit I think 7. I had given my learned friend, Counsel Assisting an email notifying him of some changes that she wished to make to her statement, they're quite minor. If I could perhaps tender that email to be annexed perhaps as Exhibit 7A?

30 ASSISTANT COMMISSIONER: Yes. That email can be made part of Exhibit 7.

MS OAKLEY: Thank you.

ASSISTANT COMMISSIONER: Yes.

MR GOLLAN: Commissioner, might the position reflect that that's encompassed by the continuing conversation I'm having with Mr Morris. We think we've resolved it, just that this is one of the witnesses that I - - -

40

ASSISTANT COMMISSIONER: Yes.

MR GOLLAN: - - - asked that there be some caveat afforded at this particular stage.

ASSISTANT COMMISSIONER: Yes.

MR GOLLAN: As I say, Mr Morris has assisted greatly with me receiving instructions but I just need that confirmed in light of this, this additional (not transcribable)

ASSISTANT COMMISSIONER: Yes. Yes, that's noted. Thank you.

MR GOLLAN: The Commission, please.

MS OAKLEY: Thank you, Commissioner.

10

MR MORRIS: Now Commissioner, just while we're dealing with paper.

ASSISTANT COMMISSIONER: Mmm.

MR MORRIS: You'll recall that Mr Kovari yesterday through Ms McGlinchey gave us an email which related to certain procurement policies as at October 2008. We've since been given the annexures to that email, I'd referred to them and I seek to add that to the tender and I'll distribute that among my colleagues at the bar table. It was Exhibit 16.

20

ASSISTANT COMMISSIONER: Yes, well this will be added to Exhibit 16.

MR MORRIS: Commissioner, I propose to call Mr Tim Passe-de-Silva. He's a little bit out of order. The reason being he's got some professional engagements in Melbourne. He has provided no statement, but I will through the course of his examination – well I'll hand up a bundle of documents numbered 1 through to 43 which are some recruitment documents and emails which have come from University files.

30

ASSISTANT COMMISSIONER: Well do you want them tendered at this stage?

MR MORRIS: Yes, I shall.

ASSISTANT COMMISSIONER: Yes, well that bundle of documents will be Exhibit 22.

40 **#EXHIBIT 22 - BUNDLE OF DOCUMENTS COMPRISING PAGES 1 - 43**

ASSISTANT COMMISSIONER: Yes, please come up. Yes, now you've been called to give evidence. You are required to answer all of the questions asked of you. You may seek a declaration, Mr Chalmers, is your client seeking a declaration?

MR CHALMERS: Yes, he is. I've explained the process to him of what I means, thank you.

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

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

ASSISTANT COMMISSIONER: You are required to take an oath or make an affirmation to tell the truth.

MR PASSE-DE-SILVA: Affirmation, please.

ASSISTANT COMMISSIONER: Thank you.

MR MORRIS: Sir, could you give the Commission your full name?---My name is Timothy Greg Passe-de-Silva.

But you're also commonly known as Tim Passe. Is that correct?---That is correct.

10 And you're involved in the information technology profession?---That is correct.

And at some stage you were employed at a place called Ozemail. Do you recall that?---That is correct.

How long ago was that, sir?---That was from around 1999 through to 2005 from my recollection.

20 So about six years there?---There about six or seven.

And what was your role there?---I started in a customer service role just answering phone calls.

Ah hmm?---And subsequently moved into desktop technical support under Mr Demiralay.

Right. And so was Mr Demiralay your direct supervisor?---Yes, he was.

30 And was there anybody else there who you later came to know at the University of Sydney?---Yes, Mr Adrian Buxton and also Mr Andy Apin worked at Ozemail, although in a different team.

In a different team?---Correct.

What was Mr Buxton's role?---He was a security engineer.

And when I say Mr Buxton's role, we're talking about Ozemail?---Yes, he worked in the security, information security capacity.

40 Now did you know Mr Demiralay before you first started at Ozemail?---No, I did not.

And through your employment at Ozemail did you come to know him better?---Yes. I worked for him for about five years.

About five years. And would you meet him on a regular basis?---Only in work, I didn't socialise with him.

No, no, but during the course of your work would you speak to him regularly?---I was a direct report to him so, yes, I would meet with him probably daily.

Probably daily. You said that you didn't really know him outside that environment. Did you ever attend any social function at which he attended?---At that time?

10 Yeah?---I don't recall. I mean, I, I probably would have had a beer with him but honestly I can't recall being at any social engagements with him.

What about after you departed Ozemail?---Yes. Well, sorry, let me clarify it. I did invite him to my wedding last year. Beyond that we didn't really have much of a social connection.

All right. Would you catch up with him for a beer from time to time or be in email communication with him?---Email yes, phone yes, beer I can't recall the last time we actually caught up.

20 All right?---It certainly wasn't a regular occurrence.

Right. And do you have any familial relationship with him?---No, I do not.

All right. Now, at about the end of - at the end of October 2006 or the middle of October 2006 did you have some contact with Mr Demiralay in terms of a development in his employment?---Yes, I did.

30 Would you tell the Commission what happened?---Ah, so when - whilst I was at my previous employer the conditions became unfavourable so I - - -

Who was your previous employer?---They're not a company that's in the, in the complaint, should I raise, should I say the name, is that appropriate?

ASSISTANT COMMISSIONER: Yes, say the name?---It's a company called Voice they do information technology integration services.

40 MR MORRIS: Right. So you were at Voice and you were working there? ---The conditions had become unfavourable, the hours were getting terrible so I had started seeking employment elsewhere.

Right. And what steps did you take to find alternate employment? ---Websites such as Seek and MyCareer, you could set up automatic notifications of jobs.

Now October 2006 did you have an email exchange with Mr Demiralay? ---October, that was when I applied for the job, is that correct?

Look, I'll just show you Exhibit 22, you can see the front page there - - -?

---Ah hmm.

- - - is a sort of box and if you go to the second page - - -?---Yes.

- - - it's paginated in the top right-hand corner?---Ah hmm.

Just have a look at that email exchange there?---Yes. Oh, so this is actually prior to Voip. This is about 18 months prior to my commencement at the University.

10

I see. Were you working in a legal partnership at that point?---That is correct, I was working for Clayton Utz.

Right. So you made contact with Mr Demiralay?---That is correct.

Now you'll see that the email address is tdemiralay@usyd.edu.au?---Yes.

How did you find out that that was his email address?---Oh, probably through the course of a phone call.

20

I see. And you had basically what was a social exchange?---Yes.

And then some time later you were working, about 18 months later you were working with Voip - - -?---Yes.

- - - and you were looking around for some work?---That is correct.

So did you make any phone calls, did you- what did you do to try and find work?---After I, I got an email, I was getting emails from Seek and MyCareer on a, a daily basis and I saw the job come up for the University of Sydney.

30

Right?---Now I did know that Todd worked there at the time so I called him to verify that that was working in his area.

Right. Okay. So you rang Todd?---Yes.

And he confirmed that that advertisement was in his area, is that correct?---Yes.

40

And did you then put in an application and to whom did you put in the application for employment?---I put the application through the University of Sydney website.

Right?---So the process would be that I would apply for the job, it would be vetted by HR.

Right. So it was directly through the University, through Sydney Recruitment?---That is correct.

Okay?---I, yeah, I don't know if they were called Sydney Recruitment at the time but it was directly through a University of Sydney website.

Okay. Well, if we just - and that was - so that was not through a recruitment agency at all?---No.

10 All right. I take it then had you ever heard the name Succuro - - -?---No, I had not.

- - - at that stage?---No, I had not.

All right. You made your application, it's fair to say that you nominated Adrian Buxton as a referee - - -?---That is correct.

- - - right, on that application. You went along the way of selection for the job, is that correct?---Yes.

20

And do you recall roughly when that selection, when you appeared before the selection panel for interview?---It was early 2008.

Right. About 27 March, something like that?---Yes, yes, that looks correct.

Do you recall - you, you recall attending the University premises for this - - -?---Yes, I do.

30

- - - meeting. You came in before a panel, is that correct?---That is correct.

And do you recall who was sitting on the panel?---Yes. It was Mr Demiralay, a lady by the name of Jenny Malapetsas who was one of Todd's peers - - -

Yeah?--- - - - and Angelo Angelopoulos.

Right. Had you known Angelo Angelopoulos before?---No, I had not.

40

Right. Did you know Jenny Malapetsas?---No, I did not.

Do you happen to know at this stage whether Mr Buxton was employed in a contract position or a full-time position at the University of Sydney at the time of your interview?---Mr Buxton started at the University after I was already employed.

Okay. That's fine. Do you recall there being any discussion in the interview panel about your - Mr Demiralay's prior work with you?---I raised it.

You raised it?---Yes.

Okay?---I saw that there were two people that I hadn't met before so I raised the, raised the fact that I had worked for Todd before and Todd advised me that he'd already told the other parties in the selection panel and Jenny essentially took lead on the interview.

10 Right. And you ended up getting appointed to a permanent position at the University?---I was successful and I'm still there.

Yeah, and still there. Now, during the course of your subsequent employment did you have cause to make requests for casual or part-time staff?---The requests I would have made would have been to Todd. I, I didn't have delegation authority, I wasn't able to sign payment slips or anything of that nature and I didn't engage human resources organisations directly, I was given resources by my manager.

20 Right. So essentially you nominated the - you spoke to Todd about your need for human resources?---Correct.

And basically it was taken out of your hands, is that correct?---That's correct.

So did you have any role to play with the, any role to play or communication with any recruitment companies?---No, I did not.

30 Right. So had you ever heard the name Succuro?---I had heard the name Bill Mylonas but not the company name Succuro that I recall.

Right. And what was the context of your, your - what was the context in which Mr Mylonas' name came up?---One of my staff members at one of the remote campuses in Lidcombe was complaining about Mr Mylonas. My advice to him was to seek legal representation.

Right. And did you - that person that you spoke to, was that a contractor at the University?---Yes, it was.

40 And do you know who that person's employer was?---I, I didn't know that he was through Succuro, I knew he was a contractor. He had been at the University prior to my engagement.

All right. So they'd been a contractor there for some years, is that correct? ---I don't believe it was some years, I think he'd only been there a short time before I had - - -

Okay?--- - - - but I can't confirm that.

So really any knowledge that you had was that the contractor was provided by Mr Mylonas?---By Mr Mylonas.

Yes. And you had - is your evidence before this Commission that you had no knowledge about how recruitment worked within ICT at the University of Sydney?---The extent of my involvement was in the selection panels and I was simply told to be on a selection panel.

10 You sat on selection panels from time to time, didn't you?---No, I sat on several.

On several?---Yes.

Do you recall sitting on any selection panels relating the appointment of Succuro employees to permanent positions?---I didn't know they were Succuro employees at the time, it's only since this investigation's come to light I now know that they were Succuro employees.

20 If they were contractors - I mean the documents will speak for themselves. ---Yes.

Did you sit on any selection panels with Mr Demiralay?---I don't recall. I do recall several with other team leaders in my team. With Mr Demiralay, I can't be certain.

What about with Mr Tshipidis?---Yes.

What about with Mr Buxton?---Yes.

30 Were you aware that Mr Tshipidis was Mr Demiralay's brother-in-law?---Not when he initially started working with the University, at a later date I did become aware.

About when?---I've been racking my brain, I can't be certain of that I'm afraid.

40 Okay. Now were you aware of any allegation made that Mr Demiralay was a shareholder in a company that was providing personnel to the University of Sydney?---Not until the newspaper, the SMH article came out.

So up until that time it was a complete mystery to you?---I was not aware of it.

When you did become aware of it was that when you first became aware of the name Succuro?---I believe I - no, I become aware of the name Succuro in - in that April 2009 email that was submitted by Mr Piggot because it was on the list of preferred suppliers.

Did you form any link between Mr Mylonas and Succuro at that time?---No, I did not. I was not involved in engaging external parties for resources, I went to manager and I was given staff.

At any time when you were on a selection panel was it ever discussed that where a contractor was being promoted - - -?---Ah hmm.

10 - - - or put forward for a permanent position or let's limit it, right. A Succuro contract that was being put forward for a permanent position, was it ever discussed among the Selection Committee members that Mr Demiralay held shares in the company that was employing contractors?---No.

Now was that issue ever raised by Mr Tshipidis?---Not to my recollection, no.

Did you know Mr Angelopoulos?---No, I do not.

You knew Mr Tshipidis of course?---Only through my work at the University.

20 Mr Buxton turned up there, you know Mr Buxton from before?---Yes, I do.

He was ultimately appointed into a team leader position?---Yes.

He had a friendship and past relationship with Mr Demiralay, didn't he?---That's correct.

What about Mr Smeros, did you ever meet Mr Smeros?---No.

30 You never met him?---Not prior to his engagement at the University.

But after the engagement at the University, his engagement you came to know him?---I believe he worked for me for a time.

Did he discuss with you any relation to he had - prior relationship he had with Mr Demiralay?---No. That - that information only came to me in the course of this hearing. Oh, actually just prior to the hearing with my lawyer.

40 Now did Mr Buxton when he was at Ozemail was he a supervisor of yours or was he on the same sort of level?---He was - sir, the official title held - held him at the same level as me, however Todd relied on him heavily as his 2IC.

I'm sorry, I missed that because of rattling paper.---Todd - Todd relied on him heavily as his 2IC but we were both direct reports to Todd.

Right. But will you report to Mr Buxton?---Only in Todd's absence otherwise I'd go directly to Todd.

You indicated when you went to the interview you disclosed your personal or your past working relationship to the panel?---Yes.

Is it possible you might have made a mistake about that?---I don't believe so, no. I'm fairly certain I said it straight up, no. I'd also run into Andy Apin whilst I was waiting. There was no - nothing for me to gain in hiding that information.

10 No, no. But I'm just asking whether you could be mistaken about that recollection?---No.

Okay.---No, Todd definitely said he had already told him.

Okay. I want to put this proposition to you.---Yes.

Let's say somebody else who was on the Selection Panel said that you didn't disclose the prior relationship - - -?---Ah hmm.

20 - - - what would you say about that proposition?---That they're remembering it incorrectly.

Yeah, that's fine.

MR GIBSON: I object to the question.

ASSISTANT COMMISSIONER: On what basis do you object to it, Mr Gibson? It's got nothing to do with your client has it?

30 MR GIBSON: That is a question that potentially affects my client.

ASSISTANT COMMISSIONER: I'm sorry, if you want to make an objection you'll have to come up to a microphone anyway.

MR GIBSON: It's a question that potentially affects my client. It's about (not transcribable) He's been asked to comment on someone else's (not transcribable)

40 ASSISTANT COMMISSIONER: I think in fairness he's been given an opportunity to respond to something that somebody's going to say which is that he didn't disclose it so that's what's been put to him if somebody else - - -

UNIDENTIFIED SPEAKER: (not transcribable)

ASSISTANT COMMISSIONER: I don't see anything wrong with that. If I could just clarify, you've said a couple of times that you were told by Todd that he disclosed it?---Yes.

Is that what you're relying on or do you say you also disclosed it?---I stated to both the other panel members that I had - I wanted to bring forward that I've already worked for Todd Demiralay in my capacity as assistant engineer at Ozemail Internet and he said oh, don't worry I've already told them.

All right. That's clear enough. Yes, Mr - - -

10 MR MORRIS: Yes. I just wanted in fairness to the witness found out what it -that's the end of my examination. Thank you.

ASSISTANT COMMISSIONER: All right. Does anybody wish to cross-examine Mr Passe-De-Silva?

MR GOLLAN: This seems to be like an auction where everyone waits for the last person to (not transcribable)

20 ASSISTANT COMMISSIONER: I'm always hoping there'll be no bidders.

MR GOLLAN: Well, let me make this a quick auction if I may. The question that learned counsel just asked you then with respect to your own (not transcribable) you were anxious were you not to tell the Commission that that that's the kind of thing that you would most certainly disclose?--- Absolutely.

30 The reason, and I suggest to you that you would most certainly disclose that is regardless of any policy anything written anywhere, do you think that in your own experience that's the kind of thing that a new employer should be afforded so far as the information is concerned. Correct?---Absolutely.

The reason why you formed that opinion is because in your, whether it be right or wrong but in your assessment of the situation that your employer or your potential employer should be made aware of that so that there's no, at least perception, of conflict. Correct?---That's correct.

You don't want to be perceived in a negative light?---Absolutely. I'm still an employee of the University.

40 And you certainly don't want a situation, whether it be the University or any other environment, a situation where someone can level a complaint against you. Correct?---That is correct.

So putting aside whether or not you were told by Todd or how that situation arose, putting aside that it's in your mind's eye that something was said about this, because that's the kind of thing that would impact upon that employment opportunity. Is that what you're telling us?---That is correct.

MR CHALMERS: I'll object to that, Commissioner. I, I, I can't understand it. It seems to have three propositions in one.

MR GOLLAN: Well, he seemed to answer it.

ASSISTANT COMMISSIONER: Your client seems to understand it, Mr Chalmers.

10 MR CHALMERS: Well, I did wonder which proposition he was answering.

MR GOLLAN: Well, all of them in fact, it was confirmed. Let me break it up to make it without any dispute?---Yes.

You were going for a job. You had a relationship, however it might be described, maybe not as learned counsel put, but you knew someone on the employment committee or panel. Correct?---I knew the prospective reporting manager.

20 Correct. And because they were the prospective reporting manager, you were keen to let other people within the environment of assessing your position or your acceptability, you were keen to let them know about that relationship?---I felt an obligation to do so.

And that obligation was born out of the fact that you didn't want there to be a perception of any bias should anyone look back on this situation as we are now. Correct?---That is correct. Not that I had a notion that we'd end up here.

30 And for that reason, for that reason, that's why you're telling us that you have an affirmative view about these things. Correct?---That's correct.

Right. Now, if I could just move on to one other quick topic, and I apologise, Commissioner, I did say it was going to be one, but if I can just traverse this. The relationship loosely described, as you describe it is that you worked with him. Is that right?---That is correct.

You didn't socialise?---Not, not at length, no.

40 Well- - -?---We might have occasionally caught a beer after work.

Well, within the work environment, other than that?---No, not really, no.

No more favourably than with any other employee. Correct?---I can't speak for what Todd did with other employees.

Well, so far as from your own perspective with Mr Demiralay, when you were previously working with him- - -?---Ah hmm.

- - -it was not anything other than as what might be described as a working relationship. Correct?---That is correct.

ASSISTANT COMMISSIONER: Well, didn't you invite him to your wedding?---Can- - -

MR GOLLAN: You've jumped, you've, that's the end of it?---I can elaborate on that if you would like.

10 MR CHALMERS: It's an objection of sorts but we're talking about two different times.

ASSISTANT COMMISSIONER: That was after they were no longer working together. All right. Yes.

MR GOLLAN: Yes, well, allow for that. With respect, Commissioner, the insight is shared.

ASSISTANT COMMISSIONER: Mmm.

20

MR GOLLAN: At a later time, sorry, I withdraw that. And the way in which you presented that relationship to those others and continued as you have here today with those others that worked with you and Mr Demiralay at the relevant time at the University was that there was nothing more than that you knew each other, emanating out of the same employment environment. Correct?---Correct.

Not a social environment or a home environment. Correct?---There's not a yes/no answer to where you're heading.

30

Let me withdraw that. Certainly you weren't going to each other's houses at the time and having dinner. Is that right?---That is correct.

And what you sought when you told Mr Pigot about the relationship was that rather than there being any close association, he's someone that I've worked with and in the company of before. Correct?---Yes.

You didn't seek to characterise that as anything more than a working relationship. Correct?---That is correct

40

And that's what you told him. Correct?---Yes.

And that's what you've told the Commission here today. Correct?---Yes.

Well, picking up on what the learned Commissioner has observed, did you get married here in Australia or overseas?---In Australia.

And I presume that you had many number of people coming to your wedding?---That is correct.

How many hundreds or thousands might we talk about?---I think on the final day it was 97.

97 people?---I believe so.

10 97 people?---Yes.

This man is not someone that you have a close relationship with rather than a working relationship?---Commissioner, if I may expand on a yes/no answer on that one?

ASSISTANT COMMISSIONER: Do you want to explain why you invited him to the wedding?---I would like to.

20 Go ahead, it might save a bit of time?---Whilst I was working for Todd my partner fell quite ill. Todd was a massive emotional support for me at the time so yeah, we became a lot closer whilst I was at the University than we were at Ozemail.

MR GOLLAN: So that relationship, as I appreciate your answer, that relationship flourished and developed whilst at the University?---That is correct.

After you'd been recruited?---Yes.

30 And did you invite anyone else from the University to the wedding?---My current manager.

Your current manager?---Yes.

Who is that?---Mr Steve (not transcribable)

And how long have you been under him?---Now about two years.

Thank you, Commissioner.

40

ASSISTANT COMMISSIONER: Thank you. Yes, if there's nobody else? All right. Thank you very much. You are now excused?---Thank you for allowing me to come up early.

THE WITNESS EXCUSED

[2.15pm]

ASSISTANT COMMISSIONER: Yes, Mr Morris?

MR MORRIS: I tender a statement of Gary Heng Sing Liew, L-I-E-W, dated 26 August, 2011. He's available to give evidence.

ASSISTANT COMMISSIONER: Yes. Mr Liew's statement will be Exhibit 23.

10 **#EXHIBIT 23 - STATEMENT OF MR LIEW DATED 26 AUGUST 2011**

ASSISTANT COMMISSIONER: Come forward, Mr Liew.

MS OAKLEY: And I seek leave to appear for Mr Liew and I ask for a section 38 declaration in respect of him.

20 ASSISTANT COMMISSIONER: Thank you, Ms Oakley. Mr Liew, take a seat.

MR LIEW: Yeah.

ASSISTANT COMMISSIONER: You've been called to give evidence. You are required to answer all of the questions asked of you. Counsel has indicated you are seeking a section 38 declaration. Do you understand the effect of that?

30 MR LIEW: Yes.

ASSISTANT 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 him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

40 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS 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.**

ASSISTANT COMMISSIONER: Mr Liew, you are required to take an oath or make an affirmation to tell the truth.

MR LIEW: Affirmation.

ASSISTANT COMMISSIONER: Thank you.

MR MORRIS: Now, Commissioner, paragraphs 39 and 40 are specifically not read and not tendered and I ask for an order to be made with respect of them. That issue has disappeared.

ASSISTANT COMMISSIONER: Yes. In respect of paragraphs 39 and 40 of Exhibit 23 I make a non-publication order.

10

**IN RESPECT OF PARAGRAPHS 39 AND 40 OF EXHIBIT 23 I
MAKE A NON-PUBLICATION ORDER**

MR MORRIS: Thank you, Commissioner. Look, Mr Liew, your full name is Gary Heng Sing Liew. Is that correct?---That's correct.

20

And you're a computer systems officer. Is that correct?---That's correct.

You're employed at the ICT at the University of Sydney?---Yes, that's correct.

You prepared a statement dated 26 August, 2011?---That's correct.

Is that true and correct to the best of your knowledge, information and belief?---Yes.

30

I just want to ask you about really one incident, and it flows from paragraphs 27, 28 and 29 of your statement. Have you got that in front of you?---Yes.

At the time that you were seeing Mr Demiralay and Mr Tsipidis at work, were you aware that Mr Tsipidis was Mr Demiralay's brother-in-law? ---No.

40

What were the features in paragraph 28 that made you form the belief that they had a very close relationship?---I've seen them a few times walking together and they were talking quite intimately to each other.

I see?---So, yeah, and the kind of body language showing that as if they are, they've known each other for quite a while.

Did you, did you see them spend large amounts of time together or were you in a separate area?---No, I move around the University a lot in my work and, and I've seen them walking with each other.

Right. Now, in paragraph 29 you say you can recall on one occasion, "That I asked George Tshipidis why certain positions were only being offered to certain persons." Now, I just want to tease out what you're seeking to convey by that. Are you talking about certain jobs at different campuses or are you talking about certain levels within a, within the workplace, levels of seniority or what are you talking about there?---When I make the, the statement one occasion happen was I had a team leader, Gerry Hunt and there was one, one afternoon he called me in at 4.30 in the afternoon and called me into a room and just talked to me privately. And he, he told me that he's been following me around secretly when I was doing my work. And I was taken back and I felt very, very unhappy because I told him that you're not supposed to be following your staff around and, and, and, and he just told me that that's what I do. And, and I took stress leave for four and a half days after that, that afternoon. And, and when I came back I met up with George in his office and, and asked, and I said, "Why would anyone want to employ Gerry? I mean what's a team leader following, you know, his staff around?" And, and George's answer was, "That's what Todd wanted. That's who Todd wanted. And I didn't want him." And that was, that occasion that that came, yeah.

10
20

Right. So that's an actually a specific occasion?---Yes.

In relation to a specific moment in your employment?---That's correct, yes.

You can't take it anywhere beyond that?---On probably another two, three occasions, you know like moving of our offices, we were asked to move to the medicine building and I asked George, "Why are we doing that?" And, and he said that it was George, ah it was Todd who, who has asked us to do it.

30

Nothing further.

ASSISTANT COMMISSIONER: Yes, thank you. Now does anybody seek to cross-examine Mr Liew? Ms McGlinchey.

MS McGLINCHEY: Well Commissioner, I will but we've just been handed this statement and it says quite a lot about my client as to (not transcribable) I have no intention of doing it now until I get (not transcribable) This statement was made in August 2011 and it's just very interesting that we haven't been given it until right now (not transcribable).

40

MR STEWART: And Commissioner, I join that application, exactly the same on behalf of my client, that it makes allegations in relation, this is quite serious, and it's been handed to me a couple of minutes ago. And I need to take – I've tried to take instructions on the run, but clearly I need to take considerable instructions in relation to the allegations this witness is making against my client.

ASSISTANT COMMISSIONER: I understood all the statements had been provided to Counsel. Is this one that had not for some reason Mr Morris?

MR MORRIS: Yes, this one hadn't, your Honour. It was, this one had not, I'll make some inquiries. But it hasn't, no.

ASSISTANT COMMISSIONER: Well in any case it does seem that some time will have to be allowed for people to take instructions.

10 MR MORRIS: I think it will, yes.

ASSISTANT COMMISSIONER: Which unfortunately I think means Mr Liew will have to come back tomorrow.

MR MORRIS: Yes.

ASSISTANT COMMISSIONER: And I think we'll move on to another witness because - - -

20 MR MORRIS: Yes. I'll move on to Mr Hunt.

ASSISTANT COMMISSIONER: Yes. Look I'm sorry Mr Liew, but you'll have to stand down?---That's fine.

You will have to come back tomorrow though?---Yep. Okay.

We'll talk to your lawyer.

30 **THE WITNESS STOOD DOWN** **[3:24pm]**

ASSISTANT COMMISSIONER: Mr Hunt. Are you legally represented Mr Hunt?---No, I'm not.

40 ASSISTANT COMMISSIONER: Yes. Mr Hunt, you've been called to give evidence. You are required to answer all of the questions asked of you. You may seek a declaration under section 38 of our Act, the effect of which would be nothing you say could be used against you in any future criminal, civil or disciplinary proceedings.

MR HUNT: Yes, I'd like to - - -

ASSISTANT COMMISSIONER: Do you wish to seek that order?

MR HUNT: Yes, thank you.

ASSISTANT COMMISSIONER: And the only exception to that order is if it's found you've breached the Act by providing false or misleading information or in some other way. 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 him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

10

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

20

ASSISTANT COMMISSIONER: Mr Hunt, you're required to take an oath on the Bible or make an affirmation?

MR HUNT: An affirmation.

ASSISTANT COMMISSIONER: Thank you.

<GERARD HUNT, affirmed

[3:25pm]

MR MORRIS: I'll formally tender Mr Hunt's statement dated 11 August, 2011.

ASSISTANT COMMISSIONER: Yes. Mr Hunt's statement will be Exhibit 24.

10

#EXHIBIT 24 - STATEMENT OF MR HUNT

MR MORRIS: Could you give the court your full name?---Gerard Matthew Hunt.

And you're an IT professional?---That's correct.

20 And you have signed a statement dated 1 August, 2011?---I don't have a copy of that statement in front of me and I don't recall the date.

Okay. Well I'll get a copy for you?---Thank you. Yes.

Just have a look – have a brief look at that. Is it familiar to you?---Yes, it is.

Now the statements you made in it are true and correct are they?---To the best of my knowledge, yes.

30 Are there any changes you wish to make at all?---No. No, there's not. Unless you'd like me to read through the whole thing again now just to make sure. Actually there was something, I did notice yesterday when I did read through it, the section 4, I'd been asked to complete some missing details on this between the time that this statement was taken and the draft was returned to the investigating officer. One of those was in regards to my education and where I've put partially completed an associate diploma in business computing through the Tasmanian State Institute of Technology, that should actually be the TAFE College, Launceston.

40 Right. So it's the TAFE College, Launceston not the Tasmanian State Institute of Technology?---That's correct. That was the second year, it would have been through them. But I didn't complete it so I didn't go on to the second year.

Now you have been able to download a number of your email documents and so on from your computer in the preparation of this document?---I was able to recover some emails requested by the investigating officer from an old email account, yes.

I see. And it's fair to say that you've used those documents to be able to refresh your memory?---That's correct. The, as you say, the documents, some of the information in the document is from those emails.

All right?---Rather than from my direct recollection.

Okay. Now, the – you were – your answer – as I understand it you answered an advertisement on Seek.com for a position?---That's correct.

10 And you had a conversation with a Mr Bill Mylonas?---I do not recall having a conversation with Bill. I recall I had a conversation with somebody. At a later date it was suggested that that was Bill and by looking at my emails it tended to confirm that back.

And when you say you're looking at that, when you're looking at the email you're talking about the email of 27 November, 2009?---I would have to look at that email, is that included here?

20 Yes, it is, it's the first annexure to your statement?---First annexure to statement. Look, in regards to all conversations had with the recruiter for that position I do not directly recall any of those conversations. It was a long time ago, I was in conversation with lots of recruiters. I was just thankful that I got an interview. I do not recall the conversations.

Okay. Now you as part of your role at, as part of your role in a team leader position do you – did you have any role to play in terms of IT recruitment? ---Yes.

30 Right. And the - in paragraph - and in terms of that experience were you actually involved in procuring short term contractors?---Not to my recollection, no.

If you needed short term contractors how would you achieve that?---Well, I wouldn't do that. I would have - I'd say to Todd, Todd, I need more staff, get me more staff then there would be interviews for staff, I would be on the selection panel and how those people's CV's turned up on my desk for consideration I do not know.

40 Right. Do you recall sitting on any selection panels with Mr Demiralay? ---I can't be positive to be honest.

Right?---I'm not a hundred per cent certain.

What about sitting on any recruitment panels with Mr Tsipidis?---Yes.

Right. Do you recall whether you came - during your time at the University you became aware of any relationship between Todd Demiralay and Succuro Recruitment?---No, no.

It was never discussed to you?---Never.

Right?---The first time I heard about it was when the investigating officer was interviewing me and talked about it.

Right?---It came as a shock.

10 Why did it come as a shock to you?---Well, that there was (a) an investigation and (b) that there was any, you know, involvement with Todd in that company. There was never any suggestion of it.

Well, is it - is really what you're saying that Succuro Recruitment was involved in providing a great number of casual employees at the University? ---I don't actually recall being aware of them providing anybody. As I said earlier, I wasn't even aware of them being the company that provided me.

20 All right. Is it - well, you must have known that you were - - -?---No, I didn't, no. I paid no attention to it. They were like somebody introducing a friend to another friend to go out on a date. It was a means for me to get in the door to get a job. I got the job, didn't care who it was.

I see?---End of relationship.

30 I see. And did it ever come to your attention when you - did you ever sit on any Selection Committees where a Succuro employee was being appointed to a - - -?---I have no idea, I've already said I don't know when anybody was a Succuro and when they weren't a Succuro candidate. I have no knowledge of it.

And what about - did you become aware at any time Mr Tsipidis was related by marriage to Mr Demiralay?---Not until the investigating officer informed me of that detail.

I see. And the, you would - well, is it really your case that these events took place some time ago. I think you were there for a short period of time?---I was there for five months.

40 Five months and you took another job, is that correct?---I did.

And really you would place greater reliance on contemporaneous documents that may exist rather than your recollection of any particular details?---Not necessarily, on some details I would use documentation, on others I'd use my memory.

I see?---It would depend on what the question was.

All right. Okay. I have nothing further.

ASSISTANT COMMISSIONER: Mr Morris, as I understand the previous witness' evidence he's given some evidence about, I think it's the same person, Mr Hunt following him around or - - -

MR MORRIS: Oh, I'm sorry, yes?---I'm also known as Gerry Hunt by some people so, yeah.

10 There was - look, we took some evidence just before you arrived about a Mr Gerry Liew?---Yes, Gary Liew.

Sorry, Gary, yeah, okay. He gave some evidence about the fact that you'd followed him around while he was conducting his work and had words to him?---I would say the, the suggestion of following him around is probably a little bit imaginative. When I started in the position there I let my new staff know that as part of my job as their new team leader I would be doing spot checks on what they were doing around campus, (a) to allow me to assess their work, the patterns of movement around the campus to see if we could improve our workload and our, our movements and also I happened to
20 run into the gentleman whilst he was in one location. It was a location where I did not believe he should have been at the time. I had words with him. I think he was a little bit paranoid to be honest. That's all I have to say on that matter. I, I - and I do have another thing to say. I think as his team leader it's my responsibility to make sure that he was doing his job and that's what I was doing.

Mr Hunt, I'm not being at all critical, it's just that I wanted to raise certain evidence with you and get your views on it?---Okay.

30 But you do recall an incident where you had words with Mr Liew about his work performance or where he was?---I had a number of occasions to have words with a number of staff about their performance during my time there. It was part of my job.

And he's also given certain statements that he asked questions of you as to why it was that certain workers were being put into the medical faculty for a time or being moved into the medical faculty and so forth and you responded with words to the effect of, well, that's what Todd wants?---I don't recall anything being said in regards to the medical faculty but I do
40 recall an incident where I was asked by Todd to nominate somebody to be moved into the medical faculty on loan to facilitate the merger of that faculty into our service model. I recommended Gary. I asked Gary if he was okay with that. Gary didn't decline the offer, Gary moved over to the medical faculty. Everyone was given an opportunity to say no on that. Nobody did. I don't know if that worked out well. I can, you know, I left before the merger took place.

I mean, I take it that you were given certain instructions by your supervisor from time to time when you said about effecting - - -?---Yeah, yeah, totally, that's delegated responsibility and I implemented it.

Right. Nothing unusual about it to your mind?---No, completely normal.

Your Honour, the evidence to which I'm referring was that evidence given in the witness box rather than in paragraph 29 of his statement, Mr Liew's statement saying - - -

10

ASSISTANT COMMISSIONER: Yes, which was - - -

MR MORRIS: I just wanted to make that clear that - - -

ASSISTANT COMMISSIONER: - - - I think was to the effect that Mr Tsipidis told him something about the other move.

MR MORRIS: Something similar, yes.

20

ASSISTANT COMMISSIONER: But something similar. But he also - did you ever say to Mr Liew well, you were doing something because that's what Todd wanted?---On a number of occasions I would say to people, I don't remember that particular circumstance but I would say I am implementing a policy of, of our manager as a team leader some decisions I could make, others obviously would come from people further up the chain so yes, on occasions, I would say yes, Todd has requested that this occur.

MR MORRIS: I have nothing further.

30

ASSISTANT COMMISSIONER: Thank you.

MR MORRIS: Thank you.

ASSISTANT COMMISSIONER: Yes. Does anyone seek to question this witness?

MR McILWAINE: On one short topic.

ASSISTANT COMMISSIONER: Yes, Mr McIlwaine.

40

MR McILWAINE: Sir, I represent the interests of Mr Mylonas. Would you just go to your statement, do you have it in front of you?
---Yes, I do.

Just paragraph 41, sorry, paragraphs 40 to 42?---Hang on, just give me a moment there, 40 to 42. Just let me read those, okay. Yes, okay.

Now, firstly do you have some significant experience in dealing with recruitment agencies?---Yes, plenty, way too much, both as an employee and an employer - sorry, or as an agent of an employer.

So you've been on both sides of the process?---Yes, I have.

10 And as you say there, you had an expectation in the circumstances in which you were recruited that the company that was involved in the recruitment would be able to claim a placement fee?---It would, would have been, it was my expectation that that would have occurred. I didn't talk about it, ask about it or need to know about it.

I'm only asking about the general expectation.---Yes, that's - that's the expectation, yes.

20 You indicated a figure of approximately 30 per cent?---That's - during my time -sorry, the period of time prior to that whilst working in London it came to my attention that that was about the average that was going on at the time.

Is that the varying salary of a person being employed - - -?---Well, the - - - - - (not transcribable)?---It sort of - the - a bit of a sliding scale (not transcribable) Also depended on the industry.

In terms of the salary that you were employed by - - -?---Yeah.

30 - - - when you first commenced you have had expectations that the fee would have been somewhere in the vicinity of 30 per cent from your experience?---Yeah.

Is that correct?---Yes.

Thank you, Commissioner: Mr Gollan?

MR GOLLAN: If I (not transcribable). Mr Hunt, could I just ask you to have a look a paragraph 36 of your statement?---36.

40 Just while you're turning it up - - -?---Yes.

- - - you're talking about the culture of the University and the employees. Correct?---I'm talking about the employee culture at a particular level.

Regardless of what guidelines rules, whatever layer of bureaucracy put over it, did you form the impression that that was inherent with that level of employee that you were dealing with. Correct?---Sorry, could you say that again, rephrase (not transcribable) not 100 per cent certain what you're asking.

Regardless of whether or not there was another code of conduct, there was another direction, whether or not there was another email that went around, have you formed the impression that these people that you complain of inherently in section, sorry, in paragraph 36?---I wouldn't say it's a complaint I'd say it's an observation.

10 The impression that you viewed being left and having worked with those people that regardless of whether or not you instructed them, regardless of whether or not the University instructs them by way of a document or otherwise that this was the culture of those people and their work ethics. Correct?---I like - can I answer that with a statement?

20 Of course.---I - that statement should - paragraph 36 does not apply to everybody who works at the University and does not apply to everybody who works in ICT at the University. It's - was meant to actually indicate that I did not like the culture in so far as that the University was going through a change in regards to its IT support moving from a very isolated departmental IT support into a larger corporate type of support. The people that (not transcribable) bringing into that were coming from old method - old methodologies that didn't fit - - -

(not transcribable) I apologise for speaking on top of you.---Their - their methodologies didn't fit, people were unwilling to change, people were unwilling to adapt to the - to the new way of doing things, they had an opportunity to learn, they had opportunity to succeed and move up in their careers, they just wanted to do it the old way.

30 Despite all of those opportunities those people behaved as they'd always behaved from your observation?---Well, I wouldn't be able to observe that because I haven't seen of all their behaviour prior to me being there.

Whatever the story is you weren't impressed with their behaviour or their attitude towards their employment?---That is correct.

You perceived that they were being given fresh new expansion opportunities that they weren't harnessing or taking advantage of. Correct? ---Yes, correct.

40 With all the encouragement of the world you didn't perceive them as (not transcribable) harnessing themselves taking advantage of those opportunities. Correct?---Some of the people.

Well, when we're talking about a culture let's not mix our words, the culture is the predominate. Correct?---Um - - -

That's why you've used the word culture rather than individuals. Correct? ---Yes, okay, yes.

Well, no, let's not okay. I want to know whether that's what you're telling us?---Um - - -

Is that what you're telling us?---I'm still not 100 per cent sure on understanding what you're trying to get me to say yes.

Well, why don't you tell us why you used the word culture?---Okay, culture can be something which is within a group of two people or an entire nation. So the culture within a small group of people within ICT in particular some
10 of the Field Services people was a - let's do it the way it's always been done, we don't like change, okay.

Let me attach the word culture, and correct me if I'm wrong, to many of the subordinates that you were dealing with at the time. Would that be a fair assessment?---Some.

And are those - - -?---I'm talking - I'm talking about some not - not all, some.

20 Those persons no matter what layer of bureaucracy and no matter what direction they were given by the University that those people at least from your perception whether that be right or wrong - - -?---Yeah.

- - - from your perception you couldn't kick them hard enough for them to get out of their own road. Is that right?---Well, I wouldn't kick anybody.

No, I'm talking figuratively obviously.---Well., not even figuratively I - I wouldn't say yes or no.

30 Well, you couldn't encourage them with words and encouragement to get out of their own (not transcribable). Is that right?---It appeared that way at times, yes.

No matter what directive or otherwise the University put on the Intranet or whatever they produced and gave to you in hard copy - - -?---Ah hmm.

- - - that these are the kind of people that it was like pouring water onto a brick, it wasn't going in. Is that right?---That's correct. And I don't see it as always being their own fault.

40 (not transcribable) what I'm suggesting to you is that the University made it very clear, did they not, that this was an opportunity and it should be seen as an opportunity rather than going backwards, sideways or inhibiting. Correct?---That was my perception, yes.

Indeed that was one of the things that you found most rewarding about your employment? Correct?---That's correct, yes.

I take it from what you're saying there that you found it a challenge, that the people that you were dealing with didn't see things through that prism or in that light. Correct?---Yes.

What I'm suggesting to you is that the University in some respects is limited no matter what they do by the very people internally. Correct?---I don't have an opinion either way on that.

10 The University no matter what the university does so far as illuminating or otherwise educating about those opportunities it's the individual that need to respond as you have or alternatively as you have observed there being a culture that didn't respond. Correct?---I - sorry, that's such a long statement you've made, I - I - -

Let me start again. You formed a view that there were opportunities. Correct?---Correct, yes.

20 You also formed the view that there were people within the organisation numbers to cultivate your term culture - - -?---Ah hmm.

- - - that didn't see the opportunities that you did. Correct?---Correct, yes.

You formed the view being very much on the coal face you formed the view that no matter what the University did, no matter what they educated or otherwise tried to put out on paper policies or otherwise that it wasn't any form of communication that was lacking it was the recipient and their capacity to accept or absorb that was lacking. Correct?---Correct.

30 Thank you.

ASSISTANT COMMISSIONER: Thank you. Yes. Does anyone else wish to question this witness?

MR GIBSON: Yes, thank you, Commissioner:

ASSISTANT COMMISSIONER: Mr Gibson.

40 MR GIBSON: Mr Hunt, my name is Mr Gibson and I represent Mr Demiralay. You were at the University I think it was from December '09 through to 21 May, 2010. That's correct, yes.

About five and a half months?---Yes, that'd be correct.

You talked about some spot checks that you were doing in particular Mr Liew?---Not in particular Mr Liew, that was actually a random occurrence.

Did you do it for other - - -?---Everybody - - -

- - - staff?---Everybody, and everybody was warned.

Was that your initiative?---Yeah, pretty much, yeah.

You brought that - - -?---I - - -

- - - that process to the University?---Yeah.

10 It wasn't something you were told to do by Mr Demiralay?---Well, the - no, Todd didn't request I do that and the idea that it was spot checks - they - they're not really my words, I - it's or if I did make those words I - they were done in error. It was - it was ensuring that the people under my charge were performing their duties. You got to remember the University campus is very large, people go out in the morning, they come back in the evening, they've been all over the place, I needed to make sure I knew what my staff were doing, that - and walking within their footsteps at times as well. There was no good having them going and doing a job in one end of the campus and then having them doing a job at the other end without me understanding what the journey was like (not transcribable) and I would turn up sometimes and just appear there when they were at a job, okay, it was
20 how I learned about my staff.

Would you describe his management style as being very authoritarian?
---No, not at all.

Was it more of a collaborative approach?---Very much so, which was why I enjoyed working with him.

30 While you were there, I just want to suggest to you that, well, first of all you said that you weren't aware of any relationship between Mr Demiralay, I'll just get the time frame right- - -?---Yeah.

- - -whilst you were at the University?---No.

You weren't aware of the relationship between Mr Demiralay and Succuro Recruitment?---No.

40 I suggest to you that while you were there you didn't hear any rumours about such a relationship?---No. If I had I would have, I would have, I would have sought out answers. It's in my nature.

Did you know Mr Tshipidis while you were there?---No. Did I know him?

Yes, did you?---I sat in meetings with him all the time, so yes.

Did you notice any special relationship between Mr Demiralay and Mr Tshipidis?---They laughed and got on like they did with myself and Peter and Andy and the rest of the management team.

The move of Mr Liew to the medical faculty- - -?---Yes.

- - -which he told us about, that wasn't some punitive measure on your behalf?---Punitive?

Some sort of reprisal- - -?---No.

10 - - -for speaking out against Mr Demiralay?---I wouldn't do something like that and I'm not aware of Gary speaking out against Todd. And I'd actually say that the move over to the medical faculty was done as to, you know, find somebody to assist us, you know, it was given to somebody who was capable.

And whilst you were there, did you identify needs for more staff, do you recall?---Look, possibly, yes, I did. Look, when I got there I was given the most difficult team, okay. I, we had people moving around and at some stage, yes, I do believe I requested more staff. I can't even remember though if I got them.

20 And would you have gone to, do you recall, Mr Demiralay or Mr Tsipidis about it?---I probably have whinged to, to Todd first and then followed it up with George.

Thanks.

ASSISTANT COMMISSIONER: Thank you, Mr Gibson. Is there anybody else?

30 MS McGLINCHEY: (not transcribable)

ASSISTANT COMMISSIONER: Yes, Ms McGlinchey?

MS McGLINCHEY: Mr Hunt, just in relation to Mr Liew's evidence that - - -?---Mmm.

- - -you followed him around and you had a conversation about it and where you said that you had been following him around secretly- - -?---I didn't make any statement that I'd been following him around secretly.

40 Thank you. Mr Liew tells us then he then went off on stress leave for four and a half days. Do you have any recollection of that?---No, I don't actually, I'm not saying it didn't occur because obviously it did, 'cause he said so under oath, but I don't recall. He may have not been there, he was somebody that tended to be off a lot from recollection, so it wouldn't have been unusual.

All right. Did Mr Liew suggest to you that he was going to take up the matter and any sort of complaint about how you were secretly following

him around?---Look, I, I have recollections of Mr Liew playing the union threat on a number of occasions from anything for requesting we have a meeting to me doing metrics on performance, so it wouldn't have, wouldn't surprise me if he did on that occasion.

All right. Have you formed any view about why Mr Liew may have come along to give that evidence about you?

MS OAKLEY: I object.

10

ASSISTANT COMMISSIONER: Yes, I really don't see the relevance of that.

MS McGLINCHEY: Well, Commissioner, Mr Liew has come along and just given a bit of a general spray to quite a lot of people, including my client, and I think we're entitled to know why that has been.

20

ASSISTANT COMMISSIONER: Well, the information he's given about this witness, he basically doesn't really disagree with it as I understand it, he was following him round to see what he was doing. So I- - -

MS McGLINCHEY: He wasn't secretly following him around.

ASSISTANT COMMISSIONER: Well, secretly, he was, he turned up unexpectedly, not on purpose but- -?---There was no secret about the fact that- - -

No---?- - -I would turn up unexpectedly.

30

Well, we may be splitting straws there.

MS McGLINCHEY: I won't, I won't go too much further about it.

ASSISTANT COMMISSIONER: No.

MS McGLINCHEY: But, Commissioner, there is quite a lot in there that was clearly unexpected about Mr, I think we need to know a little bit more about Mr Liew.

40

ASSISTANT COMMISSIONER: Well, I, all right. I just think this witness, I object to the question in its form, it was very general and you didn't specify what, you said why would he come here and say this, the implication being that it was false, whereas a lot of what he had said, this witness basically does not disagree with it. He disagrees with the slant that's been put on it. I don't mind if you want to ask him directly does Mr Liew have any grudge against him or does he know of any grudge Mr Liew may have against him.

MS McGLINCHEY: All right, I'll ask him that. Do you know if Mr Liew has a grudge against you?---I do not know if he does. I wouldn't be surprised if he did.

And would that be because of disciplinary matters in relation to Mr Liew?
---He would be one of the people I spoke about in paragraph 36.

And in relation to you discovering that Mr Liew was not where he should have been- - -?---Yes.

10

- - -was he disciplined in that- - -?---I cannot remember the exact circumstances. I remember him not being where I expected him to be, not where he was reported to have been, and I don't remember exactly what happened after that. It was a few years ago. I, I just don't remember the circumstances outside of that.

Thank you.

ASSISTANT COMMISSIONER: Thank you. Yes, if there's nobody else
20 you may be excused?---Thank you.

Thank you.

THE WITNESS EXCUSED

[3.57pm]

ASSISTANT COMMISSIONER: Mr Morris, is there anybody we could do
30 if we sat on for 15 minutes?

MR MORRIS: We could start somebody.

ASSISTANT COMMISSIONER: I think we should, and if nobody objects
too strongly I think we should start at 9.30 tomorrow because we have- - -

MR MORRIS: Happy to do so.

ASSISTANT COMMISSIONER: - - -fallen a little behind. So yes, I'm
40 happy to start someone till 4.15 if that suits everybody.

MR MORRIS: That's fine. Mr Angelopoulos?

ASSISTANT COMMISSIONER: I think our recorder's having problems.
Yes, Mr Angelopoulos, could you come forward, please. Please take a seat.
Mr Eurell, is your client seeking a section 38 declaration?

MR EURELL: Yes, Commissioner, and I have explained the effect of that
to him and he'd like an affirmation.

ASSISTANT COMMISSIONER: Thank you. Yes. Your counsel has indicated you wish to seek a section 38 declaration and that you understand the effect of it. Is that correct?

MR ANGELOPOULOS: Yes.

10 ASSISTANT 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 him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

20 **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 HIM DURING THE COURSE OF HIS 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.**

ASSISTANT COMMISSIONER: Could the witness be affirmed, please.

ASSISTANT COMMISSIONER: Yes, Mr Morris?

MR MORRIS: Mr Angelopoulos, could you kindly tell the Commission, the Commission your full name?---Angelo Angelopoulos.

10 And what's your current occupation?---I work as a product support officer for RailCorp.

For RailCorp. And from about 2007 for some time you were employed at the University of Sydney. Is that correct?---Yes.

Initially before, before we go to that employment, where were you working before the University of Sydney?---A company called Prodocom (not transcribable)

20 All right. And before that?---Transfield.

Transfield. Had you ever come across Mr Bill Mylonas at Transfield? ---Yes, he was my manager.

He was your manager. Did you ever come across Virginia Kantarzis? ---Yes, I believe she was a team leader.

Did you actually meet her there?---Yes.

30 Did you ever come across – did you know a man called Mr Peter Smeros? ---Yes.

How did you know him?---He was my best man.

He was your best man?---Yes.

And did he – where did he work?---When?

Well did he ever work at Transfield?---I believe he did after I left.

40 Right. Okay. Now are you – do you have any family relationship distant or not with Mr Mylonas?---No.

What about Ms Kantarzis?---No.

But Mr Smeros was a close friend of yours. Is that correct?---Yes, we grew up together.

Right?---He lived across the road from my house.

That's right. Now just tell me did you go to – you met Ms Kantarzis and Mr Demiralay somewhere, where was that?---At a wedding.

And whose wedding was that?---Peter's.

Right?---I met them actually at two weddings.

Two weddings?---Yes.

10

Right. Tell - - -?---The first one was a lady by the name of Sarah, I don't know her surname.

Right?---And then I met them at Peter's wedding.

At Peter's wedding. So you met him twice?---Yes.

And was he married to Virginia Kantarzis at the first - - -?---No, not that I'm aware of, no.

20

Right. And what about at the second wedding were they married?---I don't believe so.

Okay. Do you know somebody called George Tsipidis?---I do now.

You do now?---Yeah.

Right. When did you first meet him?---I believe I met George at drinks back in 2011. But I didn't know that it was George, I just remember people by face.

30

That's right. Now how was it that you came to work at the University of Sydney?---At Peter's wedding I met Todd. I told him I was interested in finding another job. He told me that there was a job going at the University. So I gave him my resume and via nomination I went and worked at the University.

Right . Did you actually go for an interview?---In 2008.

40 But what about in – you started there in 2007 didn't you?---Yes.

And did you start as a contractor there or - - -?---No.

As an employee?---Yes.

So what position were you appointed to?---Team leader.

Team leader?---Yes.

And had you – that was a direct application to Mr Demiralay was it?---I believe it was, yes.

Do you recall who you first wrote to?---No, I don't too.

Right. And you did not go through an interview process. Is that what you're telling the Commission?---At the time, no it was a process called nomination.

10

Right. Now did you have other team leaders there?---Yes.

Who were they at the time you joined?---Andy, Andy Apin.

Yes?---And that's the only one that I knew of.

Right. And who was your supervisor?---Todd.

20 Right. And did you know that at the time you took the job there at Sydney University was Todd married to Virginia Kantarzis?---I don't believe so.

Right. And you said that you got interviewed some time in 2008. Is that right?---Correct.

Was that because you were applying for another position?---No.

How did that interview come about?---It was University policy I guess, after nomination you need to get interviewed for your position.

30 I see. So is it really the point that you got nominated for a position firstly and you had a probation period?---I guess so.

Well do you know anything about it?---No.

All right. So you don't know how it came to be that after nomination you then ended up in front of an interview panel?---That's the way that the University worked.

40 It's a mystery to you?---Yeah, I guess.

All right. And so at the time you went for interview that was in about March 2008 was it?---Yes.

Probably about what, five months after you'd started there?---No.

What - - ?---About nine months.

Nine months after you'd started there, right. And do you recall who was on the interview panel?---Yes.

Who was on the interview panel?---Todd was on the interview panel, Jenny was on the interview panel and I don't know the other guy.

Jenny Malapetsas was it?---Correct.

10 And did you, do you recall being asked any questions during that interview?---Yes.

Did anybody ask you whether you knew anybody on the interview panel?---Not that I recall.

I mean it was - I knew Todd 'cause he was my manager.

Of course. And you'd worked for him, worked for him for about nine months by that period?---Correct.

20 All right. And were you asked to provide any external referees for the purpose of that interview?---Quite possibly. I don't recall.

You can't recall now?---Oh, five years ago.

Now that afternoon you were indeed placed on an interview panel yourself?---Correct.

30 And who, who else was on that interview panel?---Todd was on there and Jenny Malapetsas.

Right. And was that – and let's make it perfectly clear there were other people who were going for your job at your interview panel. Were you aware of that?---No.

Right. Okay. Come to the afternoon interview panel, who were you considering for a job?---For which one? I think I sat on two that day.

Two that day?---I believe so.

40 Right. Who, who – which jobs do you think you were involved in assessing at that point?---A customer support officer and the one that I sat on for Tim Passe.

Tim Passe?---Yes.

Right. Do you recall there being any discussion between any panel members about prior relationships between them and Tim Passe?---I can't

recall the interview. I know he was there but I don't recall what conversations went past.

That's okay. Now what about the, the computer support officer, do you recall who was appointed out of that?---The guy that was doing the job at the time by the name of Ken.

Right. Okay. Now were you involved in any recruitment of casual contractors, IT contractors at the University?---No.

10

If you had a need for IT contractors how would you go about getting them? ---I wouldn't know. I would have to speak to my manager I guess. I never had a need, we never hired anyone while I was there apart from the team leader and the, the support of Ken, and then I didn't have any other people given to me.

Right?---I didn't have a need for other people.

So you were a team leader - - -?---Yes.

20

- - - of what desktop support were you?---Yes.

How many people worked under you?---Oh, the role was split between myself and Andy and there was about ten people I think.

Right?---Ten, eleven.

Right. And you actually didn't have much need, is that the case for contractors?---Not while I was there, no.

30

How long were you there in total?---About twelve months.

All right?---Well I left in June, 2008.

Had you ever heard the name Succuro while you were there?---Not while I was with them, I knew the name Succuro.

How did you know the name Succuro?---I believe Virginia worked there.

40

Virginia worked there?---That's what I was under the impression of, yes.

Virginia Kantarzis, is that right?---Yes.

How did you become aware of that?---I don't recall.

Right. Had she – at the time that you became aware of the name Succuro had she had a child?---No, I don't believe so.

So she was – this was before she had a child. Is that correct?---I believe so.

Did you ever know Bill Mylonas?---Yes, I worked with Bill.

But did you ever know Bill Mylonas through Succuro?---I can't remember.

You can't remember?---At the time, I don't know. Possibly. I don't remember.

10 Did you ever have telephone calls with Bill Mylonas while you were at the University of Sydney?---Possibly.

All right. You can now just no longer recall them, is that your evidence?
---In four years I don't recall every conversation that I have sorry.

That's all right. Did you know anything else about Succuro?---No.

Did you know whether Succuro had any involvement at the ICT at the University of Sydney?---No.

20

Never came across them at all?---No.

Did you know - - -?---Not that I recall.

Did you know of any relationship other than his marriage to Virginia Kantarzis between Mr Demiralay and Succuro Recruitment?---At the time, no.

30 MR McILWAINE: Commissioner, I think my friend perhaps inadvertently is interposing the words Succuro and Succuro Recruitment which have different meanings and having regard to this evidence as to when he left the University - - -

MR MORRIS: Yes, I'll fix that for you.

Were you aware of - and I'm indebted to my friend, I want to make it clear. Were you aware of any difference between Succuro and Succuro Recruitment?---No.

40 Did you, at the time that you became aware of Succuro Ms Kantarzis was working there, is that correct?---That's what I believe.

Right. So are you aware of a gentleman by the name of Peter Kostogiannis, is that - Kostogiannis?---I can't say that I am.

Right. Can you tell us whether when Virginia was working with this IT recruitment agency, right, whether Mr Kostogiannis was involved in it or Mr Mylonas was involved?---I don't know Mr Kostogiannis.

Right. Okay?---From memory I've never heard of the name.

So in terms of what the - of what this recruitment entity actually was and who was behind it at the time you're talking about you've got no other knowledge?---No, I just thought she was an employee.

Right. Okay. And in terms of appointment permanent employees did you ever have any role to play there at the University?---Apart from being on the two panels?

10

Yeah?---No, it wasn't my role to appoint anyone.

I see?---I was just on the panel.

I've got nothing further, thank you.

ASSISTANT COMMISSIONER: Can I ask you what is your field of expertise?---I'm in IT.

20

What sort of qualifications do you have?---I went to Computer Power and I've been working in IT for about 20 years. I've worked as the IT manager at Prodocom prior to joining the University and then after I left the University I went back to Prodocom and worked as the IT manager.

All right. Thank you for that. Well, I don't think we'll start any cross-examination - is anybody going to want to cross-examine this witness?

30

MR STEWART: Commissioner, I have three questions, I'll be very short.

ASSISTANT COMMISSIONER: All right. Come on, come on down.

MR STEWART: Mr Angelopoulos, my name is Mr Stewart, I appear for Mr Semmos?---Smeros.

Smeros, sorry, yes. Are you related to Mr Smeros?---He's my best man.

Is he your cousin?---No.

40

So if anybody said that that's totally incorrect?---Correct.

When you worked at the University did he work there with you?---No.

And are you aware whether his wife and Virginia Kantarzis are related?
---No.

They're not related?---Peter's wife is Australian/German.

Thank you. And if someone said that that would be incorrect as well?
---Correct.

I have no further questions, Commissioner.

MR GOLLAN: Can I just ask one question, Commissioner?

ASSISTANT COMMISSIONER: Yes, Mr Gollan.

10 MR GOLLAN: When you say best man is that the best man at your wedding or is he your best mate?---No, he's my best man at my wedding.

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Sorry, doesn't anybody else have any questions? All right. Well, that's good. Mr Angelopoulos, thank you for coming. You may now be excused?---Thank you.

20 **THE WITNESS EXCUSED** **[4.14pm]**

ASSISTANT COMMISSIONER: Yes. We'll adjourn at this time and we'll resume at 9.30 in the morning.

AT 4.15 PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.15PM]