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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 22 MARCH 2012

AT 2.10PM

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

ASSISTANT COMMISSIONER: Yes, Mr Morris.

<GEORGE TSIPIDIS, on former oath

[2.10pm]

MR MORRIS: Thank you, Commissioner. Mr Tshipidis, is there any
10 family relationship that you know of between Mr Bill Mylonas and the
Kantarzis Family?---No.

None that you're aware of?---Not that I'm aware of.

You're aware - actually my solicitor reminds me I haven't tendered this
bundle of material. I might as well do that now.

ASSISTANT COMMISSIONER: Yes. The bundle of material in relation
to Mr Tshipidis will be exhibit 33.

20

**#EXHIBIT 33 - BUNDLE OF MATERIAL RELATING TO MR
TSIPIDIS**

MR MORRIS: Have you got that bundle of material - - -?---No, I haven't,
no, it's - - -

Well, we'll get a copy for you.---That's okay, thanks.

30 Just go to page - if you just go to page 165 on that bundle. This is part of
an email that was sent by Soula Tshipidis to you and in that document it
refers to a relationship between (not transcribable) Tshipidis and a Mr
Nicholas Mylonas spelt M-y-l-o-n-a-s?---Yes.

Is that a different family?---Absolutely, it's - that, that's - - -

As far as you're aware?---I'm, I'm, I'm 100 per cent sure.

40 Now I was asking you before lunch about BRGS Succuro?---RSG, yeah.

Sorry. RSG and Succuro Recruitment, they were the two preferred
recruitment agencies that you used. Did that change over time?---It, it
changed - it changed along the time line of my being there, absolutely.

How did it change?---There was - as we progressed as I said there was
always a standard two preferred contract list as far as I was aware and we
moved without going forward. After we appointed from memory here we
used RSG about the first, first couple rounds. There was - there was an

issue as far as I could recall with RSG over at ICTG12, it wasn't with us, there was some dispute from what I was told and we were told not to deal with RSG temporarily and that was as I was about to probably kick off another round of agency swoops if I can put it that way and we went with I guess Succuro at the time and while that was going I was actually trying to establish a relationship with another agency. I had no, no agency that I dealt with in the past and in my time of being there word got out that there was a guy there now at Field Services, he'll be doing a lot of recruiting with the TLs blah, blah, blah and I was getting numerous phone calls and you
10 know use me, use me, blah, blah, blah, so I had a list of people I could go to in case somebody dropped off and that was always going to be the default. If I ever went to RSG or Succuro and we didn't like what we looked at I would give - invite another person to come to the party to help us out.

Were you ever directed by any person to use Succuro exclusively?---Not - as I said from the time I started there I was told that was in place and it was common knowledge they were being utilised around ICT, I felt totally comfortable that that was an established link, yeah.

20 Well, let me go back, were you ever told by any person to use Succuro exclusively?---Exclusively? Not that I recall.

Did you ever tell any of your employees or people employed - - -?---Yeah.

- - - at the University that you only use Succuro?---Absolutely not.

Now you've been sitting here through the last couple of days - - -?---Yeah.

- - - of hearing and you've heard a great deal of information about the
30 selection process?---Sure.

Now you sat on a number of selection panels, didn't you?---I did.

And you sat on a number of selection panels when you were a contractor didn't you?---Absolutely from day one.

And for instance you sat on a selection panel for Mr Adrian Buxton?---Yes.

Right. Now do you recall who else sat on that selection panel?---It was
40 with Todd.

It was with Todd?---Yes.

Okay?---It was, yep, I'll leave it at that.

Just the two of you?---Yes.

Okay. Now did you interview many people at that selection panel?---That, that interview with Adrian was an informal interview. As far as I was aware Todd's manager was, was aware of Adrian Buxton, that he was a known person to Todd. And we were doing an informal interview.

Were there any other applicants for that position?---I, I can't remember.

You can't remember?---Certainly not on that, not on that, that particular day no there wouldn't have been, no.

10

Right. I'd like you to have a look at Exhibit 2, page 13?---Oh sorry, yep, sure. Sure.

Do you see that that's a form entitled Recruitment Confirmation?---Yes.

And if we have a look there reading down we've got, at about point 3 list agencies contacted 1) Peoplebank, 2) Succuro, 3) Buxton Fore?---Yep. Yep.

20

Okay. Now have you ever seen this document before?---I can't recall. I might have.

This is a standard form document isn't it?---Oh, sorry, yeah, I understand, the recruitment confirmation is absolutely, yes, for contractors always utilised.

30

Right. And what's this form used for and where does it go after it's been prepared?---Yep, sure. My understanding is in the case of recruitment confirmation in our team, I would obviously usually prepare a draft myself and then I would pass that on to Todd for authorisation and then would take it – it changed, it changed along the line, it'd go sometimes to finance, sometimes through to Mark Pigot for verification and authorisation from them prior to anybody being appointed. So it had to go through the authorisation channel with finance and or the director of ICT or our director of ICT.

So this would go to your manager, sorry, you'd prepare the draft?---Yeah, most of the time, depending on time constraints with Todd, yes.

40

Right. Then it would go to Todd or to the director?---Yeah. Todd, Todd would sign it and it'd go, yep.

Go to the director, right?---And or finance. It was, it was, it changed along the way who wanted to see it first.

And then it would go to finance?---Yes.

And this was a document that the University required prior to appointing a contractor?---That's what I was told. That's what I used from day one.

Right. And it was your understanding that what the people at finance required was an indication that a number of people had been considered for the job?---Put in those terms, yes.

Right?---That there was some consideration given to the selection, yes.

10 Right. Now you said that the appointment of Adrian Buxton was an informal assessment?---That's right, it was an informal interview.

Informal interview?---Yeah.

Do you recall where that took place?---In Todd's office.

Right. Do you recall whether there was any formal or informal interview of Robert Simpson?---No, I don't. Looking at that if I may, that's just a list of resumes received. They're not actual people that were interviewed, they
20 were the resumes that have been looked at. And they would have been considered, I'm assuming looking at that form the way I understand it in its context that the CV's would have been screened and we didn't interview. So they're just a list of CV's that you get from the, from the various agencies before you proceed to inviting somebody to come along to an interview.

Okay. Did you see these CV's at any time, do you recall?---No. When, when dealing with TL roles that was exclusively managed by Todd. I didn't, I didn't, he was involved in the, in the process, basically. We'd be
30 invited at TL's to come along to an interview that he'd seen people or spoke to people and we'd just follow his lead from there, so that's how that worked. I looked after the CSO's down. So from the, the level 6 people, the CSO's, the technicians.

Yeah, okay. Now, if you prepared this document you'd have seen the CV, the resumes, wouldn't you?---No. No, I'd be filling in the details as, as Todd may have provided to me.

Right?---So he'd, he'd tell me, he'd give me the details and I would punch
40 them in if I prepared that document.

Okay. So you wouldn't be able to give the Commission any information as to whether you saw those CV's at all?---I couldn't say with any certainty but there's no, there, it would be not, it would not be unusual for me not to see any CV's submitted for TL roles.

Okay?---Or any other TLs or that matter of fact.

You see, you see the name Luke McKinley at Succuro?---Yes, I do.

All right. Does that indicate to you that there would have been a Succuro curriculum vitae provided?---Reading that I would assume something was sighted for that particular candidate from that particular agency, yes.

But you know nothing about it?---Absolutely - well, no, not at all.

10 Right. Okay. Now I'd like to go to - all right. Now I want to take you to 412 in that volume?---Page 412?

Yeah. All right. Just have a look at that document at page 412 - - -?
---Okay, yeah.

- - - and - - -?---Sure.

- - - 413?---Yeah.

20 Is that Todd's signature as far as you know on page 413?---It looks like it but, yeah, I couldn't be certain. Actually I'm trying to picture what it looks like actually, that looks, that looks like it's about it, yeah.

Right. Now this relates to the appointment of Andri Selamat?---Yeah.

30 Right. Now, you're aware that Mr Selamat had previously known Virginia Kantarzis?---I, I wouldn't have actually, all I knew with Andri was that he was referred, referred on by Peter Smeros and I knew with Andri coming in that he was a known person and as far as I was aware that was declared to Mr Pigot.

Right. Now just have a look at 412?---Yeah, sure.

40 Would you have generated that document?---Again, I could have. I, I did a lot of things of that nature. Even if I wasn't the one driving the actual process, yes, I could have, I could have been given some information and typed something up and, and probably forwarded it through to Todd for - it was always considered a draft version obviously, I'm not the one that authorises those things so it'd, it'd be put through to Todd and he would, he would complete it, check it and authorise it and so forth.

Right. If you have a look at the date of that document, it's dated 5 October, 2010?---Ah - - -

At page 413?---Okay, sorry, yeah. Right. Yeah. 5 October, yeah, I see that.

And if I might get you just to have a look at Exhibit 23 which is this bundle of email material?---Right.

Right?---Sorry, page 33, yeah. Oh, sorry.

That's Exhibit 33, if you go to page 247 and following?---247, yeah.

And this is a chain, an email chain of correspondence that goes through to page 252?---Right.

10 Right. And it starts at page 252?---Okay.

Right?---Yeah.

And this relates to an email correspondence chain between Irma Torres, whom you've heard give evidence?---Yes.

And yourself to start with - - -?---Yes, yeah.

- - - about the appointment of Andri Selamat?---Sure.

20 Right. And it says there, "Hi Irma, hope you are well. As Todd is away for the week I just had a thought re the above and wanted to check/ensure that the ball is rolling. Have you received an RC, recruitment confirmation - - - ?---Yeah.

- - - re the above for Andri Selamat. He has been recruited via the agency Succuro for an initial six month term"?---Yeah.

30 "I've also just contacted the respective agency and they have as yet not received any of the usual University appointment paperwork and were actually going to follow it up later this afternoon". The important thing to note here is that Andri is/was scheduled to start next week on Tuesday 5 October. Do you have any recollection as to whether he'd started at that point?---No, I do remember there was a delay with Andri and we were getting tight for (not transcribable) on the field and we were all concerned as to when this was going to happen when we, you know getting a replacement TL was critical for our operation so, yeah.

40 And then we get a response from Irma saying, "Hi George, I haven't received any paperwork such as the recruitment confirmation et cetera"? ---Yeah.

Right.---Yeah.

252?---Yes.

Them we go on and you say at page 251, "I've managed to track Todd down and unfortunately he has the paperwork and as such I cannot get a hold of", et cetera?---Yeah.

All right. And then 250 there's a continuing exchange of correspondence?
---Yeah.

And we're getting - by 249 we're getting up to the 19 October.---Right.

Irma says, "Hi Todd and George, this is a friendly reminder but I need to draw up a contract for Andri Selamat", right, "ASAP. Please send me the complete recruitment confirmation form for him".---Right.

10

Right. And so at that stage the recruitment confirmation form had not been forwarded, it had - - -?---9 October. Reading that I - I'd have to say highly likely, yes.

Right.---Or she's saying the complete. It sounds like that could even be (not transcribable) I mean (not transcribable) interpret the wording.

Right. Then we go to page 247 - - -?---Yeah.

20

- - - where we get an email from Irma Torres to the effect that, "I'll proceed with the drawing of Andri's contract and send it to Mark Pigot for signature however for quotation requirements you need two more candidates." Right. Now I want you to go to volume, exhibit 2 page 410?---Yeah.

All right. And that is a recruitment confirmation which only has Andri Selamat listed as a candidate - - -?---Yeah.

- - - and the second page 411 is - shows that it was signed on the 5 October. All right?---Right, yeah, sure.

30

Now reading this email you can tell me if you remember or not, it would seem that that email, at some stage between the 19 October and the 21 October 2010, this document we see at page 410 was forwarded to Irma and she's given you a requisition saying I need another two candidates?---Yeah, sure.

All right. And then if we go back to exhibit 33 page 247, I'm sorry.---Yeah.

40

We get a email which is carbon copied to you.---Yeah, sure.

"Hi Irma, the other candidates that were unsuccessful were Steven Bach and Patrick Taylor"?---Which are the names on the other - yeah, sure.

Right. Do you actually remember interviewing Steven Bach and Patrick Taylor?---No, as I - are they the two names on the same - the RS - on the RC before?

Yeah. This is on the next - - -?---Yes.

This is on the second version which is to be found at 41 - - -?---Yeah, sure, yeah, no. Like, like I said on the recruitment confirmation the way - the wording in that second RC does not indicate an interview took place so you could, you could classify them as unsuccessful candidates I guess that - as in you looked at, you looked at CV's and they, they weren't good enough to fill the role I'm guessing or to interview, sorry. Yeah.

10 Okay. Well, just have a look at page 412?---yeah.

All right. This is the document that was sent off to Irma Torres.---Sure.

And if you go down to about point 7, the bottom third of the page.---Right.

Short listed candidates as blank, interviews conducted by Todd Demiralay, George Tshipidis and Andy Apin?--That's right.

20 Right. So does that suggest to you that Andri Selamat, Steven Bach and Patrick Taylor were all interviewed?---No. It's, as I said, it says list of resumes received from agencies not that an interview took place. That, that the agencies have sent us CV's for our perusal and we decide from there whether we interview them. The, the, the, you get the shortlisted candidates usually they're the ones that you actually interview depending on how people fill out the form. But that's how - that wouldn't tell me from some other department foreign to me, I'll be looking at that and I'd say somebody received a CV of three people. They looked at them. It looks like there's been an omission there where the successful candidate should have his name in there, but looking at the top it looks like the successful candidate is Andri
30 Selamat. That's how I would read that.

Have you got a picture in your head sitting here today - - -?---Yep.

- - - of on 5 October, 2010 or shortly beforehand interviewing Steven Bach?---No, I don't, no.

Do you have a - - -?---Looking at that form, sorry looking at that form, no, that wouldn't convince me, no.

40 Put the form to one side, Mr Tshipidis?---Okay, sure. Yep.

Have you got a picture in your head of interviewing Steven Bach?---No, I don't.

All right. Do you have a picture in your head of interviewing Patrick Taylor?---No, I don't.

Do you have a picture in your head of interviewing Andri Selamat?---Okay, putting that aside, no I don't, looking at that form, because as I said I do because of the top box.

What about the top box?---Well you've got the actual successful candidate's name in there.

No, I'm asking you do you have a picture in your head today, sitting here of interviewing Andri Selamat?---Myself?

10

Yes?---Well I know 'cause I was there. Sorry, I don't understand the question.

Have you got a memory of interviewing Mr Selamat?---Yes, I do.

Have you got a memory of interviewing Mr Bach?---No, I don't.

Have you got a memory of interviewing Mr Taylor?---No, I don't.

20 Right. Have you got a memory of reviewing the curriculum vitae or resumes of Mr Bach?---No, I don't.

Have you got a memory of reading the resume of Patrick Taylor?---No, I don't.

What about Mr Selamat?---No, I don't. I can't remember doing that, no.

30 Right. Was the short listing that took place between Mr Demiralay, yourself and Mr Apin, who prepared the shortlist?---I can't, looking at that I couldn't tell you. But because I know it's a TL role, that would be, the decision ultimately rests with the person that that person is going to be reporting to, being a TL role it would be with Todd.

With Todd?---For sure if it's, it's his direct report that he's hiring, so that's how we worked.

Okay. But – so you couldn't saying anything about whether Mr Bach and Mr Taylor were with the agency Succuro?---No, definitely not. I wouldn't have a clue.

40

Whether Succuro produced resumes for either of them and submitted them? ---I wouldn't have a clue. I couldn't recall that, impossible, no.

Okay. It's entirely possible that all that remained with Mr Demiralay? ---Entirely, yes, absolutely.

Okay. I want you to take a look at Exhibit 33, page 212. Right?---Yes.

Now there's an email of yours, 25 November 2009 to Fang Zhou. Right?
---Yes.

"Hi Fang, just a quick note to advise of an upcoming requirement for the advertisement of another position with Field Services - - -?---Yeah.

- - - in fact this is for an existing position directly within my DTS coordination team"?---Yeah.

10 Do you have a recollection of this email?---It looks familiar, yeah.

Right. And "FYI, the position is currently held by a contractor, Aleksander Jankovic"?---That's right.

All right. "He's been successful in performing this function for 18 months"?---Yeah.

Right. "We have, we now have approval to formalise the role into a full-time/continuing position and Aleks will definitely be applying for this role"?---That's correct.
20

Now the use of the word "we". To whom are you referring?---Field Services as a, as a, as a team, as a group.

All right?---Well, yeah, that's putting it - yeah.

Now, Mr Jankovic, who was he contracting through?---Succuro. He was there, he was there when, before I started working for my team.

30 And he was a contractor wasn't he?---That's right.

And as a contractor he wasn't able to apply for a position which was advertised internally only was he?---No, that's, that's not correct. As I think you've heard through these proceedings I was in exactly the same boat and I was just astounded to hear that that discussion's even taking place during this inquiry because it was common knowledge that I was a contractor and the same with Aleks, we were, we were allowed to apply. I mean, there was nothing, nothing untoward at all, well known, especially in my case that I was a contractor and especially with Aleks' situation, that he was a
40 contractor, been doing the role there for a while. There seemed to be some confusion in the ranks in the upper levels of ICT and I guess whoever, whoever else made these decisions, including Sydney Recruitment, as to whether or not what the definition of a contractor was but ultimately on your CV when you're apply for FTE roles through Sydney Recruitment, these things get looked at by Sydney Recruitment. It's - you can't, you can't fudge something like this and pretend you're one thing and not another, there's a, there's a quality assurance that takes place and from memory, from what other guys tried doing when they, when you apply on line to

these roles, I think you used to click a tab, there was nothing stopping an external person clicking they were internal. I think you can still submit your, your CV.

10 But the responsibility would then fall upon the people engaged in the selection process to make that determination wouldn't they?---No. Well, before it got to us these things get screened by Sydney Recruitment. They go through all the CV's, read all the detail and they will figure out whether or not you are an internal or an external and say listen, mate, you shouldn't be applying for this because you're external. So the ultimate responsibility at the chain level starts with Sydney Recruitment because they're the ones taking in all the applications.

MR GOLLAN: Commissioner, might the witness be directed to answer that question?

ASSISTANT COMMISSIONER: I've totally lost the thread. What's the question?

20 MR MORRIS: I've forgotten, Commissioner. Okay. Let me ask - can I put it another way?

ASSISTANT COMMISSIONER: Yes, yes, please do.

MR MORRIS: Mr Tshipidis, if there was no distinguishing feature, if there was no prohibition on a contractor or somebody externally applying for a position - - -?---Right.

30 - - - what do you think the point was between having specifications that jobs could be advertised internally only? What was the purpose of that?---That was, that was - my loose term was always keep it in the family, University family, people that worked in the faculties were considered University people. Let's go, let's go to the other faculties because see, up until shared services every - in IT especially, every faculty had IT people. So if you had a desktop support role going in Field Services you could in theory to the Faculty of Law, Medicine and so on and obviously, you know, invite those people to come and join a totally different team and perform the same task.

40 So was the Succuro family merely a subset of the University family in your mind?

MS McGLINCHEY: Well, I object to that, I object. That's (not transcribable)?---I'll, I'll - yeah (not transcribable) no, obviously not.

ASSISTANT COMMISSIONER: Well, I don't understand the answer at all.

MR MORRIS: Well, you considered that people who were employed by Succuro at an hourly rate were part of the University staff, is that correct?
---No, no.

For the purpose of making application for permanent positions, is that what you're saying?---If you're, if you're a contractor performing the role you're entitled to apply for positions flagged as internal, absolutely.

10 ASSISTANT COMMISSIONER: That were only going to be advertised internally?---That's right, 'cause you were working at the University you were entitled to apply. I remember discussions taking place very early by people and that, that was actually argued at a meeting I was at by certain people above me about that distinction and, yeah, I'd love to be able to dig that up because there was a lot of grey area back then as to whether people could or not.

MR MORRIS: We might get to it?---Yeah, sure.

20 Now page 712, let's not muck about, this is going back to Jankovic, the general/basic details are desktop coordinator, HEO6, now that was a wages and responsibility - - -?---That's right.

- - - band within the University?---Yep.

Position to be advertised internally only for the - - -?---Yep.

- - - absolute minimum period?---That's right.

30 Okay. Why was that?---For internally only?

Yes?---Right. Again it was, it was to advertise the position internally to invite other University employees to change, to change role.

ASSISTANT COMMISSIONER: No, look if you listen to the question, why was it to be advertised internally only?---I really can't answer – I mean that, that – the distinction internal/external is a, is a confusing one, but it's to I guess ultimately keep that, keep that position initially for University people. That's the best way I can put it. Not to have external people - - -

40 That was the effect of it but why was it being done in this case? Why was it being restricted to internal only?---I couldn't tell you.

Well you're the one asking for it aren't you?---That's right. As I've been told to, to advertise it internally only. Yeah.

By who?

MR MORRIS: By whom?---To avoid, to avoid having other people working for other organisations outside the University applying for it. They want to offer it potentially to people that work at the University only, including the incumbent, if I may put it that way. Including the person that could be sitting in that role, that was always the mentality. If you've been doing the job there - - -

ASSISTANT COMMISSIONER: Yes, yes - - -?---Is that right or - - -

10 - - - Mr Tshipidis, you've answered the question?---Okay, great.

Move on.

MR MORRIS: And you see here the specification that you put forward to Fang?---Yep.

Fang Zhou was organising the advertising?---Absolutely. Yep.

20 And you say, and for the absolute minimum period?---That's right.

Well why would you advertise for the absolute minimum period?---So, so we can get to where we're going as quickly as possible. Advertise for two, which was two weeks, I knew it was two weeks so I'll just say two weeks, to be honest with you back in 2009 I was still trying to figure out exactly how Sydney Recruitment worked. I didn't have any rules. I'd be learning on the job with Fang from Sydney Recruitment. I think I may have done another FTE not long ago with him, so basically I pick up words off him and I'd use words that he would, he would introduce into my every day, every day terminology. So we knew that you could advertise it for two
30 weeks, you could say six weeks if you wanted to for all I know. I've never advertised a role for six weeks. Two weeks was more than enough to screen University people. Everybody we know worked who in the University as far as I know would constantly check the internal website for new positions. It was not uncommon to have multiple people applying for roles internally. They were always looking to move around internally within the University.

40 Did Todd suggest to you that the position be advertised internally only and for the absolute minimum period?---I would definitely have had discussions with Todd of that nature, a hundred per cent. I wouldn't make that call on my own. Always I'd be seeking instructions.

Right. Now was the purpose behind internal advertising only and for the absolute minimum period - - -?---Yep.

- - - for the purpose of ensuring that there was very little competition for the role that was currently held by Aleksander Jankovic?---I couldn't, I wouldn't say that. One, one could view it that way. A lot of people at the University perceived that technique for doing exactly that.

Was this a complaint that had come up from time to time was it?---No. I just, I just – you just hear around the traps that, oh they’re advertising internally again, and that was a University wide thing.

And that was advertising internally again to make sure that there was limited competition for a role within desktop services?---I wouldn’t, I wouldn’t put it that way. I would put it more like you’ve invested in a good resource for a good period, six to 12 months. That person is doing the job quite competently and obviously as any manager, your preference would be if that person could obviously interview for that role and, and compete with anybody else.

I’ll ask you again?---Yep.

Was the purpose of this – I mean this was a technique that was used at desktop services wasn’t it?---It’s something I’d hear around the place.

No, but it’s a technique that you employed from time to time at desktop services?---I wouldn’t say that I employed it. I knew it was –advertising jobs internally was a very common thing in the University and where there were contractors in those roles they could apply. I can’t, I can’t say that enough, that was a, it was okay as far as I was aware, yep.

Well, in so far as - I mean you’d accept that you’d never read any of the staff recruiting policies, so - - -?---Absolutely.

- - - you’re really going on a system that you were working within?---yeah, sure I can - I can agree with that, yes.

And a system that you were working within with Mr Demiralay. Is that correct?---Not, not to that degree. The system that was in place at the University that was something that would happen.

Okay. So I’d like you to go to page 211.---Yeah.

Email from Fang Zhou. “Hi George, thanks for the heads up”, this is in response to your email.---Right.

“Sorry, just read your email now about the call coordinator position”, that’s the one from Mr Jankovic isn’t it?---I’d say so, yeah.

Yeah. “This is all okay except we need to advertise it as open to both internal and external candidates. There’s a recent test case where a contractor was not deemed to be an internal applicant”---Okay.

“We can place the advert on the University website only so it doesn’t attract many applicants.” All right?---This is from Fang Zhou is it?

Yeah.---Okay, there you go, yeah.

Okay. And then - - -?---So that's coming straight from Sydney Recruitment.

Yeah.---So fair enough, yeah, as I say.

10 MS McGLINCHEY: Can I just say, Commissioner, I don't recall this being put to Mr Zhou when he was here. I mean surely it should have been to ask him why he sent this email to get his version of it. It is his email after all.

ASSISTANT COMMISSIONER: Well, I think the email speaks for itself doesn't it?

MS McGLINCHEY: It probably does, yes. Well - - -

20 ASSISTANT COMMISSIONER: I don't see what he could add to it and it's been clearly discussed with many other witnesses that there was some contention as to whether contractors could apply for permanent jobs or this issue, so I think we can't put every single thing to every single witness or we'd be here for another six months.

MS McGLINCHEY: Well, this is a situation where we're putting some - to it to someone who's not his email and we didn't - - -

30 ASSISTANT COMMISSIONER: It's an email he received and I think it's perfectly fair to ask him to comment on it.

MS McGLINCHEY: Thank you.

MR MORRIS: Thank you, Commissioner. Now you then forwarded that email to Mr Demiralay on the 26 November - - -?---Right.

- - - via your iPhone. Is that right or he received it?---Yeah, it could - yeah, it could - - -

40 Sent from my iPhone?---Yeah, I'd say so, yeah.

“Todd, see below re cc Role and advertising process. Confirms my previous concerns”?---Right. I wouldn't know what I was alluding to there. Also see below (not transcribable) Is that what you're asking me?

TL (not transcribable) team leader (not transcribable)?---Yeah. If I can just read that one. Also (not transcribable) Sydney Recruitment, understand. Okay, not we understand, right. Okay, yeah.

Do you know what you're talking - is that what you were thinking?---
Looking at that I'm assuming Fang's - yeah, that's 2009 isn't it? So I'm
assuming Fang's telling me that, that the process Sydney Recruitment would
use at that point if you were trying to find a full-time role you'd going
through an organisation that - they must have had an affiliation with, called
Uni Temp Staff. I know there's a - there's a - a few different brand names
for internal casual (not transcribable) University I've never really been
familiar with them although I have utilised them when I was working (not
transcribable) So it looks like they were going to go through casual staff,
10 University students who probably wouldn't have desktop or in this CC type,
you know technical expertise, that'd be people studying at University
looking for casual work.

Well, you wouldn't until you saw their CV's would you?---No, I wouldn't
of course, no, but I'm looking at - why I would say that I'm answering your
questions as best as I can, yeah.

Okay. Now you - you forwarded that at 7.54am?---Okay, yes.

20 Right. And then you received a response on the next page.---Okay.

Page 210 from Mr Demiralay - - -?---Right.

- - - right, at 8.15am. So about 20 minutes later?---Sorry, I can't see that.
Which one's that one?

Page 210.---Yeah, right.

30 I'm just looking at that time stamp. Okay, sorry, yeah, yeah. Sorry, I'm
with you, yeah.

Okay. And he writes to you, "The whole recruitment process is getting out
of hand. We're spending all our time on recruitment. I've had enough."
All right?---Okay, yeah, sure.

"I asked Fang to advertise both internal and external applicants but only on
our Intranet."---Right, yeah, sure.

40 Right. "Once the advertising is closed I will take responsibility and cull the
applicants to Aleks and one other applicant. You and I will perform the
interviews (very quickly) and we will appoint Aleks as the most suitable
candidate. Please ask Fang to send compiled candidate report to both of
us."---Okay.

"Leave Sydney Recruitment out of the TL position, they are as useful as tits
on a bull," all right, "review the attached CV for the TL position and give
me your feedback ASAP. PS John De-Silva PM and D." PM and D, what's
that?---Performance management and development plan, it's basically a six

monthly, 12 monthly assessment. You, you sit down with your staff and you review their, their progress.

Yeah. Now, what have you got to say to the Commissioner about this, this email?---Sure, yeah, looking at that I guess it says what it says, yeah.

What memory have you got?---I can't recall that actually.

10 You can't recall what?---I can't, I can't remember having that conversation or the email conversation, no.

What have you - - -?---But obviously, obviously it's there so I, I assume I would have read it, yeah.

Right. Now you know one of the complaints that's being investigated in this Commission is the distortion in the staff selection process - - -?---Sure.

20 - - - to get people into positions who are suitable to Todd Demiralay, you know that's an allegation that's been raised?---I can - yes, sure.

Yeah. And just looking at this, given you've got no memory of it - - -?
---Well, I can't remember it but obviously I would have read it, sure.

Okay. But this is an example of a decision being made before any resumes - - -?---It would appear that way.

30 - - - are taken in, before the position's advertised and before any interviews take place to appoint somebody to a position as favoured by Mr Demiralay?
---You could say that, yes.

Now did this raise any concern with you at the time?---Not, not particularly no. I guess looking back, no.

You've never looked at the staff selection processes, all right, but you're aware of the need for competition in employing people?---Sure.

Right?---Sure.

40 You're aware of the need for transparency in the employment selection process, aren't you?---Yeah.

And this is a most serious failing in the selection process here that we're looking at, isn't it?---Reading that, yes. That interview I remember though. Todd did not interview that, that, that particular role.

So you now know, you now remember an interview do you?---Well, I'm just - while you're talking, yes, I'm thinking about when we sat down and actually would have sat down with Aleks in that room and from my

memory it would have been with Andy Akin and the TL, the other TL at that time would have been Gerry Hunt, I'm going to, I'm going to have a guess. I could be wrong but I think that would have been it 'cause we did interview people for that role, irrespective of that, that, that email and Todd did not sit on the interviews for that 'cause I think, I notice he says, that's what got me thinking when he, while you were talking there, he says "We will appoint Aleks" as if like he's going to interview with it but I remember I wouldn't, wouldn't (not transcribable) a CC with Todd.

10 Now are you suggesting to the Commissioner here that you sat on that interview panel?---For Aleks Jankovic?

Yes?---Absolutely.

And Mr Jankovic was appointed, wasn't he?---Yes, he was.

And are you saying that you appointed Mr Jankovic because - in accordance with what appears to be a direction to you set out in paragraph 13?---Not, not really. I may have read that email but we, that doesn't mean, you know,
20 I acted in that manner. I basically, we still had an interview. We sat down with my other two TLs and we interviewed Aleks and I'm sure there was at least another one or two people that we interviewed at that time.

Is it the case that - I mean, I put it to you that this is a failing in the selection process, was this actually - - -?---That email is, is, does, is not right but we, we did go through the process, absolutely.

ASSISTANT COMMISSIONER: Well, you went through the processes outlined in the email, you interviewed one other person then gave the job to
30 Aleks?---Okay, so - - -

Well - - -?---Right.

That's exactly what the email said was going to happen?---I can't remember how many people we interviewed but we definitely interviewed, yeah, more than one person so, yeah.

MR MORRIS: Mr Tsipidis, I'm going to put an allegation to you - - -?
---Yeah.

40 - - - so that you've got the opportunity to respond?---Sure.

Is it the case if we, if we look at this email - - -?---Yeah.

- - - it's not only a failing in the selection process, it's a scheme I suggest to avoid the operation of University policies. What have you got to say about that?---When you say scheme what do you mean, as in - - -

Well, it's a meeting of minds between you and Mr Demiralay to avoid applying University staff selection protocols?---Well, I said that email does, does not come from myself but there were three other people, two other people in that interview so there's no way Aleks could have been appointed if the other two people in that interview didn't agree with the assessment of Aleks and the Commissioner's mentioned one other person so yes, obviously the other two TLs would have had to have make a, made a decision on that so if they weren't happy with Aleks or whatever they would have, would have come to a consensus as you would do.

10

When I first started asking you questions about this Mr Tshipidis, you didn't have any memory?---No, that's right 'cause I'm thinking obviously, look, reading the email I'm trying to think while, while you're talking to try and jog my memories of these, these situations obviously.

Okay?---I can't recall - I sat on 150 interviews, you know, plus so I've got to, you've got to give me a second to think about every scenario obviously so - - -

20 I'm going to ask you again?---Sure.

I suggest to you that this email demonstrates a meeting of minds between you and Mr Demiralay to evade University staff selection policies?---That, that looks like more of a directive to me or he's putting, he's putting a position across. Someone's actually said to me what he's going to do, I haven't, I haven't said I'm going to do that.

30 But in fact that's what you did do, isn't it?---As it turns out that was the end result but like I said, there was an interview with two other colleagues so - and there's no way that they, they could have been appointed if the other colleagues didn't like the candidate they interviewed so - - -

40 Is it the case that you were in fact simply facilitating Mr Demiralay's wish that Mr Jankovic be appointed in a permanent position?---Look, reading that email I could understand why you would put that to me but I, I wouldn't, I wouldn't agree at all. Just because somebody says, gives me something, at the end of the day we went, I still went through with the interview and interviewed two people and there were, and the decision wasn't solely mine, it would have had to had, have the okay and approval of, of the other two TLs in that interview at the time.

Todd was your supervisor wasn't he?---Yes, he was.

He was your relative, correct?---Yes, he was. Well, yes, yes, sorry, he is a relative, yeah.

He is your relative?---Yeah, sure, yeah.

Is it the fact that Mr Demiralay gave you directions in relation to staff recruitment decisions?---Directions as in - - -

As who to select for particular positions?---Not necessarily, no, I can't - I mean, looking at this email I'd say in this particular case it looks like that's been, that's taken place, that is he's, he's, he's told me what he, what he'd like the outcome to be there looking at that, yes.

10 Right. Now the top email there at page 210 - - -?---Sure.

- - - is it the case that the reference made to the TL role - - -?---Yeah, I'm not sure.

- - - does that suggest to you that the reference to on paper definitely has enough demonstrated leadership experience for our TL role - - -?---Yeah.

20 That's for another position, it's not for the - - -?---Yeah. It looks like, it looks like there's another, there's a TL discussion taking place and I've obviously seen something. I don't know what, what that relates to looking at that.

Now you've been at pains to demonstrate to the Commissioner this afternoon - - -?---Sure.

- - - that you would have after receiving this email at page 21- - -?---Yeah.

- - - proceeded to an interview panel when you got other people in for interview, correct?---Absolutely.

30 Is it the case that you consider that only a certain amount of information could be taken off a resume and you'd otherwise interview a minimum number of people for any position?---Sorry, could I have that last part again?

Was it your view that you should interview - - -?---Yeah.

- - - a minimum number of people for any permanent position on the University staff?---Not necessarily, no.

40 No, because you didn't do that with Mr Buxton did you?---Me personally, like I said Mr Buxton was a TL and I don't get involved in TL decisions.

But that was done with you and Mr Demiralay and Mr Buxton having a chat?---I was invited down for an informal interview.

Yes, and there was nobody else was there?---No.

And like I said to you I was aware that Adrian was a referral as in a known person to, to the management and I was comfortable with that, so, yeah.

And, sorry, was anything else - - -?---No, I was going to say so obviously if I'm given the green light that everything's okay from a known person I'm comfortable to go in and do what the manager asks me to do.

That's exactly what I'm getting at?---Okay, fine.

10 You were prepared to do what Mr Demiralay wanted. Correct?---No. I'm following the orders, he's my manager. If he asks me to come down for an interview I go to interview. I would, I would obviously be curious as to who this person was and so forth. And if I was told that he was a known person, I'd assume that it's okay from above to go ahead with what we're doing.

Know person meaning known to Mr Demiralay?---Absolutely. I didn't, I didn't know Adrian Buxton until he walked in the door that day and I met him.

20

Right. You knew nothing about him did you?---No.

But he was fine by Mr Demiralay. Is that correct?---For Mr Demiralay and fine from up top.

And fine by you to appoint Mr Demiralay nominated. Correct?---Yes, in that particular case the way they did it with, what would you call it, what's the word - - -

30 Nomination?---Nomination, sorry, yes. Yeah, that was, that was quite obvious around the University. People were doing that everywhere as far as I knew. It was in when I, when I started at the University there were people working in the AV team who I also worked with I nominated, I think it was two people working there on nomination.

Of course that was - as far as you knew that was a practice that seemed to have developed, right, but you didn't know anything about the staff selection policies did you?---No. Well as in never any official documents, no.

40

But you knew official documents existed didn't you?---I couldn't say. I wouldn't, I couldn't tell you off the top of me head. Obviously now with everything we've read and we've heard, obviously I'm aware there's a policy out there.

Now what about Gerard Hunt, you did it again with Gerard Hunt. Mr Demiralay wanted Mr Hunt didn't he?---No, Gerry was actually, Gerry Hunt was - came off the back of an interview process that we did via

Sydney Recruitment. I think we've gone through that throughout this week. There was – some candidates were put forward, they were interviewed, they interviewed okay I'm guessing from what I can recall. But ultimately they were going to be in a position reporting through to Todd and the Selection Committee wasn't happy obviously that we should proceed with those two people. So the decision was made to advertise in the manner that it was, yeah.

10 You heard Mr Zhou's evidence about that recruitment panel didn't you for that position that Mr Hunt ultimately took?---I can't remember the details, but, yeah.

Well do you recall who was sitting on that panel now when the first round of interviews went through?---For – it'll definitely be Todd. I'd say I'd be there for sure.

Rebecca Astar was there?---Oh yep, okay. I'm with you now, yep, Rebecca Astar.

20 Do you remember Rebecca now?---Yes, I do, yeah.

Yes. You recall there were two people shortlisted?---Yes. That's right, yep, yep.

Right. One was a Mr Steve Kokkinis. Do you recall that?---Yes.

And the other was a lady called Tina Huang?---That's right.

30 Do you recall that?---Yep.

And indeed Tina Huang had a very good curriculum vitae. Do you recall that?---I can't remember the details of, of that, no.

She'd been in a similar position at the University of Queensland. Do you recall that?---I recall that being discussed this week, yes. Not, not from that time, a long time ago, no, I can't.

40 And do you recall that that, that selection panel was put together after advertising wasn't it?---I don't know, no, sorry. What was that, I didn't - - -

Well that Selection Committee in which you assessed Mr Kokkinis and Ms Huang occurred after advertising within the University. Correct?---Sorry, I've got a mental blank, I can't remember that, no

And do you recall that Rebecca Astar favoured appointing the position to Tina Huang? Do you recall that?---Not off the top of my head, but that's fine, yeah, sure.

And it was in fact the majority decision to essentially withdraw from the advertising or from the recruitment process entirely - - -?---Okay. Yep. Sure.

- - - and leave the position vacant. Right?---I remember, I remember we weren't going to proceed for the time being, yes.

And that was Mr Demiralay's view, do you recall?---Yes.

10 And you concurred with it?---I can't remember what I would have said at the time because there would have been four people there to decide ultimately, so I remember, I remember not being – being comfortable that no one was to be appointed.

Hey?---I remember not being uncomfortable that we didn't proceed with the two people that were there and to keep looking. I was happy to keep looking myself, yes, if we had to.

20 Right. Even though Rebecca – Rebecca Astar was outside?---Yeah, she was from Sydney Recruitment.

She was from Sydney Recruitment?---That's right, yeah.

And do you recall, did you know that Mr Zhou went to see Mr Demiralay to have a discussion with him that Ms Huang ought to be appointed to the position based on what Ms Astar had said?---No, I couldn't, but hearing it this week I'm assuming it's happened. But whether I knew about it at the time I can't remember.

30 Right. And do you recall that there were – that both Ms Huang and Mr Kokkinis were told that the, that neither of them would get the position? ---That wouldn't have been done through me, that would have been done from, via, via Todd. But I would have been aware that that was going to be conveyed to them after that, that period of the Selection Committee, yes.

So Todd would have let them know that?---Yeah, as I said if it was a TL role, you know, I wouldn't make those calls.

40 All right. And you became aware did you not that Mr Kokkinis had made a complaint about the recruitment process. Correct?---Yes. I was contacted by, I think it would have been Paul Harvey, the HR advisor for ICT and I remember he was asking if I had any interview notes, something like that and Steven Kokkinis was, was following up on something. So I think I would have gathered mine and whatever notes I could find and passed the information on to him.

And do you recall sending an email to Mr Demiralay about, prior to the appointment of Mr Hunt, I'm just trying to put my hands on it, indicating

that Mr Hunt was coming in for an interview, right. And that as a result – and making reference to the fact that there was – there’d previously been a complaint about the recruitment process and to keep the thing simple. Do you recall that?---One of the emails we looked at earlier?

No, it’s another one and I can’t put my hands on it - - -?---But I remember, yeah, we read something earlier, yes, along those lines, yeah, that the whole thing was getting out of hand or something was it? Yeah.

10 Now is it the - do you have any reason why it was that - did you form a view about Tina Huang at all or did you just adopt what Mr Demiralay said?---
No, no, I - to be quite frank with you I thought Tina and Tina looked at better - looked better than Stephen that’s for sure from what I remember. Whether she would have been right for, for the role from a leadership perspective and the people she would have to manage it on, on the ground in my opinion, might have struggled there but I, I, I - from what I remember she, she wasn’t a bad candidate but I’ll be - as I said before I’d be happy to go looking for another round - another round of candidates and keep going.

20 Well - - -?---The team that, that - that TL (not transcribable) going to be managing was one of the more difficult ones. It was the legacy CSOs and they did need some strong leadership in there to get the job done that’s for sure. I think Gerry Hunt said that yesterday actually - that I think he said we gave him the, the difficult - one of the most difficult teams to take on. So we wanted somebody who’s demonstrated strong leadership skills for sure for that role.

Yes. Now - - -?---So as I said I wasn’t uncomfortable with Stephen
30 Kokkinis and Tina Huang not been given the job there that day obviously to keep looking.

Was it another - well, look I’ll take you page 154 in exhibit 33. 154.
That’s in the loose, sorry is it, in the loose - - -

Yeah, it’s in the loose bundle.---Sorry, page 1?

One fifty four. See there, it’s an email from you George Tshipidis to Todd Demiralay?---Yeah, sure.

40 Right.---That’s in - - -

The first bit relates to Thomas Mawter, all right. Then you say, “How do I handle CV’s from Peoplebank not sure of expectations on both sides with this one!” All Right. What were you intending to convey there?---(not transcribable) I need to know that this is in regards to but it says (not transcribable) not been offered to Thomas as I was under the impression that we were looking others as well. Oh, okay, yes, sure. I’ll have to check the time line. There was two occasions where we had problems with, with

Peoplebank after having, having taken on a resource and that would have been - Peoplebank probably came into the time line when we had problems with RSG. Like I've mentioned before we broke that there was something I was told just to hold off dealing with RSG and we put on a, a recruit from Peoplebank called Ben Parkes, he was quite a good technician but within an handful of weeks he had been approached by a previous organisation that he'd gone for an interview for, it was a full-time role I think and he wanted to take up that option and he - he would have spoken to Andy Apin his team leader at the time and said he wanted out of his contract, that he was going to walk and I remember Andy and myself talking to him to say look, you know well, we can't stop you walking but it's obviously - you're going to have a legal situation with your - with your agency and it got a bit messy the way Peoplebank were handling it, they - they didn't really come to the party and, and sort of, you know help us out, they were sort of like making it our problem, we needed a resource, he was a good Mac, Mac expert from what I remember and, yeah, I wasn't - I wasn't too happy nor was Andy the way they handled that scenario and looking at March 2009 I'd have to check but I'm pretty that would have been six months, five, six months after I started and we had problem with Peoplebank off the back of Ben Parkes, so I would have been saying you know do we, do we go through that agency, you know like they've let us down once should we give them a second go, something along those lines and I'd have to check what's happened afterwards to, to look at what we did because I remember we, we, we dropped Peoplebank for second and I picked up Gemteq off the top of my head to come in and give us a hand.

Thanks for that answer. You're asking Todd how do you handle CV's from Peoplebank. Were these some of the people who were writing to you seeking to get casual recruiters - - -?---No.

- - - in the door?---No. That would have been from the - I would have established that a, a (not transcribable) as I said to you before I had numerous phone calls from possible agencies. One to do business with the University, I would have picked like I said three or four people that I have probably built a bit of a rapport with and had their details on the side in case our two preferred suppliers ever let us down and I think that's - I, I would have gone back to Peoplebank, whoever the contact was at that time and gone from there now. It wasn't - - -

Well, just - - -? Sorry, it wasn't unusual for the, the recruiters to send CV's through ad hoc from time to time and say, you know we got somebody in case you're looking and so forth so.

Okay.---I'd say along those lines somewhere that I had something there from them should I, should I, should I utilise them or because the experience we've just had with them with Ben Parkes and (not transcribable) should be like you know give them a miss and try somebody else.

Just going back a bit. If you have that view why would you be asking Todd Demiralay what to do with them?---Well, just from a professional perspective, you know do, do we - do we make them our, our, our number two after the experience, I mean I, you know seek some guidance I'm guessing, you know because you know, you've got an established relationship there. I'm assuming he may have met or spoke to somebody there too so do you just cut them off or do you give them, you know take them along for the ride or would you be upfront and say look, you know we've, we've, you've had a bad experience with you, we weren't happy with what you did for us last time or do we go forward, and I think if, if from memory we actually - I had some ongoing discussions with people over the next few months and we invited them back after they sort of apologetic about the way they handled the affair and they would want to come back to the party and I'm pretty sure we actually appointed somebody through Peoplebank. Okay, sure, fair enough.

Is it, is it, is the case that really what's going on here is that Succuro was your preferred contractor, people were writing to you - - -?---No.

20 - - - and you wanted to know what Todd wanted to do about competition?---No, not, not at all. No. I could see myself in a bit of a professional bind in an organisation we got a link with and just seeking his opinion as to - do we stop using them and go to somebody else, it'd be along those lines.

Now going back to one last detail. Mr Hunt was recruited through Succuro Recruitment?---That's right, yes.

All right. And just go to volume 3 exhibit 2 - - -?---Yeah.

30 - - - page 130? Sorry, that's the, that's the folder is it?

That's the folder, yes.---yeah. Page?

One hundred and thirty.---Yeah. Sure.

All right. That's an email from you - - -?---Yeah.

40 - - - to Fang Zhou seeking to expedite his appointment. Correct?---Yeah, it looks, looks like it reading the first few lines there, yes, sure.

All right.---Yeah. That would have been obviously on instruction from Todd.

That was on instruction?---yeah. Anything to do with TLs was instruction from Todd I, I (not transcribable) In fact any appointments (not transcribable) most definitely with, with TLs, it'd be, you know, I'd be, I'd be telling, you know - he'd be asking what to do and I'll - - -

And would Todd have filled in - would you have described advertising on one occasion for a competent candidate for that position on one occasion for a two week period, a gap of two or three months and then going straight to an external agency to be an exhaustive search?---In my opinion?

Yes.---I'm - well, firstly I'm not sure exactly what, what Todd would have done with that. As I said he would have been making inquiries.

10 No, I'm not asking you - - -?---Okay.

- - - about what Todd did or thought.---Right.

What I'm asking you is if you would describe advertising on one occasion - - -?---Okay, no, sure. From - in my opinion just going for - well, again if we only got one - if we only got one candidate back, yeah, that's not, that's not obviously a, a (not transcribable) sure.

20 No. It's not an exhaustive search at all, is it?---Yeah, sure, I'd agree with that, yes.

No. That would be a misleading statement. Would you agree?---Sure.

Now, Mr Tshipidis, I want to - I just want to deal with a couple of little matters, okay. You were given a great deal of direction by Todd Demiralay weren't you?---I was given direction by Todd, sure, yeah.

As to what to do?---Surely in, in these sorts of matters, yeah, like send an email off to somebody (not transcribable) - - -

30 Recruiting, recruiting type matters?---Yeah, sure, as it turned out, yes. Yeah, I'd instigate contact with the agencies, yes.

Yeah. And you would do what he asked you to do because he was your boss, correct?---Sure.

40 All right. And he didn't give you any assistance at all in understanding what University protocols and processes were did he?---No, as I said, I was given a very, very basic intro and then left to the hands of a TL who had been there for five years and the people that worked in the various admin departments.

You were aware of the Code of Conduct though, weren't you?---Well, as I said obviously my letter of offer, I've ticked that. You know, whether I checked it or not, the intention would be to read it when you start work and then one of those things you just don't do, yeah.

Now is it the case that you did what Todd required of you without reference to any internal protocols or procedures within the University?---It's hard to answer that one in the way you're putting it. Protocol., I mean - - -

Have a go?---No, I'll have a go. I'm just having, trying to think, put in context what you're actually asking me, I mean, I've got to, got to think what you're saying, you know, with reference. I mean I'd, I'd go with my, with my judgment obviously but yeah, there's certain things that I would make the call on and I'd pass, pass it along, yeah, sure.

10

And basically if Todd was happy, that's the way you'd move, correct?
---When it came to TL positions, absolutely, that would, that would - - -

Yeah. And when it came to recruiting, when it came to recruitment agencies if it made Todd happy that's what you'd do, correct?---No.

20

No?---No, definitely, I am my own person in that area, I, I - if you look at the track record of what, what people we interviewed and what we did, there was a, there was a good, there was a good split of - sure, the numbers might, might be skewed to Succuro if that's what you're getting at but we are - I'd put on - well I, me and my TLs, no, no CSO was appointed without the other two TLs being satisfied that the - in the CSO perspective were good technical people, as simple as that. They were going to be working with them, not me.

Well, let's not confuse?---Okay, sure.

Staff selection with IT recruitment agencies?---Right.

30

The bulk of the work went to Succuro, correct?---Sixty - in my time there, when I was there, I think it was a 60/40 split with the numbers that I've had, while I was there.

Predominantly Succuro?---Sixty/forty split, yes. Roughly, yeah.

And that was at Todd's direction, correct?---No. Like I said, we always had two preferred, two preferred agencies and we'd work along those lines.

40

And if - and I think earlier today you said that if Succuro couldn't provide it you'd go the next step to the other one?---We always had two agencies and if, if, if one, if those two people could not help us we would obviously invite a third along.

All right?---So we always had two agencies. Then if you look at the actual - if you were to do a timeline, in my time at, at the University working with CSOs you will see that why we - we switched from RSG to Peoplebank to Gemteq and as Adrian said this morning we, we invited at one point towards the end there we had Michael Page, Bluefin from memory and one other

organisation on the sidelines and there was some mitigating circumstances and oddly enough, and I can understand how it would appear, with, with Peoplebank on two occasions we had to drop them off and - 'cause they just were having issues and the same with RSG so I'd always have two people I could count on and then well, hopefully we'll get to it later but I'll stop there for now, yeah.

Yeah. Todd left in about May 2011 didn't he?---From memory, yes, towards the end of May.

10

Did he speak to you about why he left?---Absolutely?

What did he say?---He, he, he called myself and two other TLs who were around at the time and he said basically there's a few, a few issues and he'll be, he'll be resigning, he won't be, it'd be uncomfortable to work here.

20

Did he explain what the issues were?---Yes, he did. In a, in a nutshell. He had a letter with him, he'd just been down to see the directors I believe and he was, wasn't pretty much going to be continuing from what my memory was.

And what did he say the issues were?---Oh, off the top of my head there were, it was allegations similar to what we're having here today.

And what did you think?---Well, by that stage I, I knew that something was wrong earlier on, like everybody else.

30

What did you think?---You, you discovered two things I suggest, one is Virginia Kantarzi, your sister-in-law - - -?---Absolutely, absolutely.

- - - was a shareholder in Succuro?---That's right.

And you found that out that Mr Demiralay had been a shareholder?---Yes.

Sorry, that they each had been a shareholder?---Yes. Was I happy, absolutely not.

40

I'm not asking you whether you're happy?---No, exactly, well, I'm answering for you, yeah.

Do you recall Operation Kanda going on at the University?---No, no, not until I saw the documents.

Did you ever get transcripts sent to you?---Not at all. I wasn't interviewed or anything by anybody.

It was obvious according to your account here, right, I mean, did you know before 2010 that Mr Demiralay and Ms Kantarzis were shareholders in Succuro?---No.

What would you have done had you been made aware of that information as at 2008/2009/2010?---Sure.

What would you have done?---Well, I would have had, I would have had a really good think about things, that's for sure.

10

Why?---Well, obviously it's not a, it's not an ideal scenario - - -

Why?--- - - - for a number of reasons. For the obvious, the obvious conflict.

Yeah?---Absolutely. I guess, I, I agree with you.

And you say to the Commissioner that the best of your knowledge was that Virginia Kantarzis was working in the back office?---She - my understanding was she worked - - -

20

Of Succuro?---Yeah, she worked for a previous work colleague who I knew was, ended up was Bill Mylonas. I knew he had other interests. I didn't really know what, what Virginia did from day to day. That's the truth.

Did you make any inquiry of - - -?---Not at all, not at all, I mean - - -

- - - of Succuro when you were allocating work to them?---Inquiry as in - no, not at all.

30

Company search or - - -?---No, absolutely not.

No?---No. No, I was comfortable that that was an agency that they were using here. The first I, I mean, I won't say it's the first time I've ever heard the name, I'm sure, I can't recall but I'm sure I would have heard the name in 2007 or so but wouldn't have paid much attention but I was previously, previously engaged elsewhere so it wasn't an issue for me.

Yeah. If it was the fact that your sister-in-law was both the director - - -? ---Yeah.

40

- - - and secretary and a substantial shareholder - - -?---Sure.

- - - the statement that she was working in the back office would be, you'd agree, grossly misleading?---Absolutely.

And deceitful?---I'd have to agree.

All right. Nothing further, thank you, Commissioner.

ASSISTANT COMMISSIONER: Yes, does anyone week to question Mr Tsipidis?

MS OAKLEY: Might I have leave to ask some questions?

ASSISTANT COMMISSIONER: Yes.

MS OAKLEY: Thank you, Commissioner.

10 Mr Tsipidis, my name's Janet Oakey and I appear for Sydney University?
---Sure.

I think you have a bundle of loose pages in front of you?---Yeah.

Could you turn to page 235 of that bundle, please. It's an email from yourself to Bill Mylonas?---Yeah, sure, absolutely, yeah.

About a Mr Santosh Daniel?---Santosh Daniel, yeah.

20 And now Mr Daniel was somebody who had made an application to Sydney University - - -?---Yeah.

- - - for a position and he impressed you but wasn't a successful candidate for the particular position, is that right?---That's right, that's right. That was, that was for that job we were talking about earlier with, with - I'm sure he came in with Aleks Jankovic, that's where we met him.

I see - so, I see. So he interviewed for the position that Mr Jankovic was - - -?---That's right.

30 - - - successfully appointed to?---That's right.

And this - the purpose of this email, isn't it, that you notified Mr Mylonas that Mr Daniel was happy to be appointed to a position with the University of Sydney via Succuro?---That's right.

Mr Daniel hadn't applied to Sydney University through Succuro at all, had he?---No. I've, I'll give you some - no, so, I'll just answer your question and I said no.

40 Right?---Not for that, not for - so he'd applied, that, that's what I mentioned before that role, it was the call coordinator role some, a couple of months ago I think, whatever it was, yeah.

Well, the situation was, wasn't it, that instead of Succuro introducing Mr Daniel to the University - - -?---Yes.

- - - you were introducing Mr Daniel to Succuro?---Absolutely, yes, openly, yeah.

And the purpose of that introduction was so that in future employment of Mr Daniel by the University that would be conducted through Succuro, do you agree?---That's right. Well, it wasn't, it wasn't that simple but yes, Santosh was given an option when I contacted, when I contacted him, he was a good candidate with all the (not transcribable) for the future. I would have spoken to Fang at the time when we finished interviewing or at some point after and just asked him something along the lines of how long, how long can an interview hold without having to interview another candidate because Santosh looked like he was more of a good technician as opposed to a call coordinator and I knew obviously we were looking for people down the track and to not have to go through the interview process again would it have been okay to utilise a person from a previous interview and get him to come in via a contract if that's what they wanted so that's, that's what we did, that was, that was an open and frank discussion that I had with Sydney Recruitment, with Fang on the phone over, over a period of time to make sure that everything was okay. I was trying to do the University a favour there, we've obviously found someone good, don't let them go, I didn't know if Santosh was available. Like I rang him up at his previous work and said look, I, I'm, I reminded him who I was and whether or not he wanted to come along.

Well I suggest that, Mr Tsipidis, you were not trying to do the University a favour, you were trying to do Succuro a favour weren't you?---I don't agree with that at all.

Because Mr Daniel had had no involvement with Succuro at all?---That's right.

It was only through your intervention - - -?---That's right.

- - - that he had any involvement with Succuro. That's the case isn't it? ---That's right. But I gave him an option, like myself, whether he could come one with his ABN or whether he could use Succuro and at that time of the email in 2010 Mr Pigot had advised that there was a preferred list of, of suppliers. I remember that very clearly that situation and I had, and we had no dealings with the other four people. I told them at that stage the only agency that I was aware of at that time that I knew, he was welcome to invite somebody else if he wanted to, was Succuro. So I gave him an option. You know you just read it like that, it's not what it was at all. It was me following up a good candidate that we'd interviewed through the University process and it was, you know, it was a referral if you like, somebody that I knew that impressed and would like to bring him on board and as far as I was advised the interview was valid from the past and it held. And that I was entitled to do that and bring him in as we, as we would do normally. We'd already interviewed there was no need to go through the

process again. It was an honest and upfront approach as far as I'm concerned. I still don't see anything wrong with that today and I definitely don't agree with what you're stating there that I was giving, I was passing on to Succuro as a favour, absolutely not. That was the agency we only had at the time and you might say why, because there was as a preferred list of five, but there was a lot of confusion when Mark sent that email out as to whether or not that was the way to go forward or not and I sought guidance and you'll see from appointments after that time that we actually put on a few more people only from Succuro because there was a lot of confusion in the place as to whether we had to go to that preferred list of five or not.

10 But I suggest Mr Tsipidis, that what you were doing by this email was that you were channelling a prospective employee by the University - - -?
---Sure.

- - - through an employment agency which was partially owned by your wife's sister and your boss' wife?---I wasn't, I wasn't, yeah, I was not aware of those details, not until the whole thing came to light.

20 I see.

ASSISTANT COMMISSIONER: Can I ask you?---Yeah.

Why do you say there was confusion about the list of five?---Yes, I know - - -

That was your director wasn't it - - -?---That's right.

- - - saying you're to use these five?---Yes.

30

And you're to approach at least three of them?---Yes.

What's the confusion about that?---Well the confusion was that email from my memory came out in December and we didn't have a need to recruit. I think we had from memory, I think we had - - -

No, no, no, no. No. Could you answer my question?---Sure.

40 I don't want another big speech?---Okay. Fine.

What is confusing about using those five companies and approaching at least three of them when you want somebody? Why couldn't you do that?
---No, yeah, sure, fine.

Well you could have done it couldn't you?---Yes, as I said, I explained to Santosh, I said I only had a relationship with one of them at that point. I didn't know who the other four were.

You could have rung them up and said have you got any good people?
---Sure, yes, sorry, I agree with that.

Send me a resume?---Yes. I agree with that. But - - -

Yes, well you could have but you didn't?---Fair enough, yes, I can accept that, yes. I was just putting to the guy his options of what I could do and if he wanted, if he wanted to I could have put him on to those four people, he was happy to go with Succuro.

10

But you didn't you said - - -?---No, but - - -

- - - you put him on to Succuro?---These are in phone, we had, we had phone discussions before that obviously.

Yes, yes?---Yes. It wasn't just as simple as that.

All right. Well you agree there was no reason you couldn't have used those other five companies?---No.

20

No?---At that point no, but I gave him the option. He was happy to go, I told him, all I told him was that I didn't know anybody there and I had no - - -

Yes, we've heard, we've heard all that?--- - - - I had no established leads.

Thank you. Yes. Yes, Ms Oakley.

MS OAKLEY: There was no reason why the University couldn't employ Mr Daniel directly is there?---No, that's right. And I, and I told him that. He didn't, he didn't want to - actually sorry, I'll correct myself, on the phone conversation his initial instinct was at the beginning that was his preferred option. When I first spoke to him he was considered, he was going to come on board on his own ABN and he told me that he had one, he was thinking of creating his own ABN at the time and then when I called him back to see if he was still interested he decided he wasn't going to do that and he'd want to come on board via an agency and I told him the only agency dealers I've got is Succuro. And I explained the scenario about Mr Pigot's email and because I had no links there he was comfortable just to go down that, that path with somebody that I knew and I referred him on. I mean I'm not trying to hide that, it's there.

30

40

Mr Tsipidis, you could simply have given him several of any name or more than one name on the list - - -?---Absolutely.

- - - of agencies?---Absolutely, sure. Sure.

Couldn't you?---Absolutely. It would have been those preferred five, yes.

But instead you chose to intervene yourself by writing to Mr Mylonas?---
Because having spoken to Santosh, he understood that out of the five there's
only one that I knew. I explained the scenario and he was happy to go with
somebody that at least we knew, that I knew. It was more of a comfort
thing for him, yeah.

Did you obtain any advantage from making this referral to Mr Mylonas?
---Absolutely not.

10 No commission or anything like that?---None at all. Absolutely not.

Could I take you to page 169 in that bundle of documents that you have in
front of you?---Sure.

And you'll see about halfway down the page there's an email from Mr
Mawter to yourself where he sends you a friend's resume. This is page 169
of the loose leaf bundle?---Yep. Okay, yep, sure. That's - - -

20 All right?---That's that, yep, sure.

Yes. And then if you go to page 168?---Right.

There's a response from you?---Right.

You ask some questions about how much genuine exposure he has to Mac's,
that you'd be happy to add him to your list of potentials if he thinks he fits
the role. Will you be passing him on to your recruiter Succuro? Probably a
good idea that we deal that way I think?---Right. Sure. Yeah.

30 There was absolutely no need to go through Succuro was there on this
occasion?---No, again because it's a friend of his and he knows Succuro so
he'd put him on to, on to Succuro. Succuro would be invited as part of
preferred agency if we were going to advertise contracts. So it's perfectly a
straight forward thing for me to do. They're one of our suppliers.

Mr Tsipidis, there would be some premium that would have to be paid to
Succuro if you went through Succuro. Do you agree with that?---A
premium?

40 Or a margin?---Oh, sorry, I see where you're going, as in instead of
referring them to come on independently you mean or - - -

Yes?---Okay, fine, I - - -

The University would pay more if a candidate that you knew of quite
independently of an agency - - -?---No, I wouldn't be aware of that.

- - - came through an agency - - -?---I wouldn't be aware of that.

You never made any inquiry about that did you?---No, not at all. As I said I'm not an expert in, in dealing with agencies and I've just, I've just been doing – this is the first time I've had to deal with agencies (not transcribable) in all my working life so, as I said I started there was two agencies and I just kept working in the manner that was there. I didn't really, didn't really, yeah, I didn't think I was doing anything wrong.

10 And why did you mention Succuro particularly (not transcribable)?---
Because Thomas Morter would have come through Succuro and I assumed being friends, he would have put him on to that. That was more of a matter of convenience for, for the prospective candidate. Nothing more than that.

And why did you say it was probably a good idea?---For that very reason, it'd probably be easier for them 'cause Thomas could introduce him and do all the, do all in trays, keep going, there's no need for me to get involved. So he can give a CV to our contact there Bill Mylonas and if we were going to advertise it'd come through them. I didn't see anything untoward with that to be honest with you.

20

Well I suggest to you that your conduct on this occasion was not in the interests of the University?---Fair enough.

You accept that?---Well the way, the way you put it earlier that there were other options open to me, as I said, my mind would not have gone that path. The way, the way I would – with my simplistic approach to this thing was that, you know if you were going to go your contracts use your two preferred and that was it. I knew (not transcribable) get an ABN 'cause that was put to me when I first started. I really haven't thought outside those
30 lines in the context of contracting. And I'm not, I'm not an expert in how to do those sorts of things, so, that was just an honest upfront recommendation, a matter of convenience for the person coming in, no gain for myself.

And you maintain that you were completely unaware of any benefit from the arrangement that your wife's sister and your boss' wife might gain from that arrangement?---Absolutely. I was not aware of, of the scenario that's been painted through this inquiry.

40 Could you turn to page 254 of the bundle, please?---254?

Yes, thank you. And I should point out that that email has an attachment that goes to page, there's several pages?---Okay.

Up to page 265, though there may be some metadata sheets following that that relate to that email. If you could just cast your eyes over that document. I wouldn't ask you to read it all, but if just have a glance at it (not transcribable) ?---So the did you say the email and the attachment?

Yes, well, it's your email.---Okay, yeah. So once it's see – told see attached.

Yes.---Combined interview notes for Jerry, yes.

10 And are the documents that substantially start at page 258 and go onto page 265 – do you recognise those as being the notes that are referred to in your email that's at page 254?---Well, they look like they're typed up behavioural notes, yes.

Right. Now, it's the case isn't it that at the time that you sent that email namely the 20 January 2011.---Right.

Mr Hunt had been appointed to the position and had been appointed the position at least by the 15 December of the proceedings year.---Yeah, possibly yeah.

20 And if you need to confirm that, you can have a look at - - -?---Yep, no, no it's fine.

30 So there was no need was there to get Mr Demiralay's agreement to what had happened at the interview by that time or at least by the time you sent the email was there?---I might be wrong but what that could be all about but I would have to look at it very closely because I have to be careful what I say, I don't want to make it look bad for myself unnecessarily what would happen with interviews is that the behavioural notes would be compiled, they'd be two or three people who would actually be taking the notes and then Mr Pigot would always want to sight those behavioural interview notes so what we would do, we would send him a – I used to actually combine a typed version of everyone some feedback so Mark wouldn't have to go through three or four document and we would also have the originals with them. I think that's what that means, I'm not sure but I think that's what that is so, Mark may have asked for Todd, can I see the interview notes and it's something we could be chasing up retrospectively, I'm not sure, I'm trying to understand where that email is going but that was not uncommon at all for Mark, before he signed documents or even after he signed documents to ask for behavioural interview notes just so he could have a look at what, what happened. I'm just trying to see exactly what had
40 happened. So Todd, obviously Todd has asked for something and I've attached our combined interview notes for Jerry, apart from the behavioural section questions that's right – so what that is is that we had a set interviewing process we did, we look at four areas of planning and organising, teamwork, client focus and another category and when it was a technical role Todd or the other TL's would have a set of technical questions that they would pass on to me and they would just pick a random four or five and we would include them at the back of the interview. So following the behavioural situation interviews the team, the techo's would

ask specific questions about you know, more relevant things on the job so they could be comfortable that the person was good, technically.

Just coming - - -?---Technically.

Sorry, I didn't mean to interrupt you.---That's okay.

10 Just coming back to this email, is your explanation for this email that you're unsure but you think it's because the manager of your section wished to sight some interview notes for the successful candidate - - -?---I'm pretty sure that's what it is.

20 - - -notwithstanding that the candidate had been appointed some five weeks previously?---That's right. It was over the Christmas period because I remember Jerry, Jerry was interviewed just before the end and I think he actually, I can't remember whether I'm right in terms – he might have even come on site for a few days before it even started just to get a bit of a heads up and then get into the role straight off the back of the University closure. Mark might have been away, Todd might have been away, I'm not sure but there'd be some correspondence hopefully via email. But that's – it seems to me – why that would have happened. Somebody wanted to just have a look at the interview notes for that particular candidate to satisfy some query I guess, I'm not sure.

I have no further questions.

ASSISTANT COMMISSIONER: Thank you. Yes, yes Mr Gollan.

30 MR GOLLAN: Thank you. Mr Tshipidis, I appear for Mr Pigot and if I can just have you direct your mind, it might have been available to Mr Pigot's statement Annexure, page 50, it's page 300 of the bundle.

ASSISTANT COMMISSIONER: So that's Exhibit 18 Mr Pigot's - - -

MR GOLLAN: Thank you. So whilst that's coming across, whilst that's coming across to you, just before you open it, can I just ask you a couple of questions about the internal structure.---Sure.

40 You were underneath Todd in the hierarchy, correct?---Yes, absolutely.

Todd was underneath the director being Mr Pigot, correct?---That's right.

And above Mr Pigot there was a sole person responsible for all the directors and names that fell below, correct?---That's right.

And meetings that were had – I'm sorry, I withdraw that. What was Todd's title?---Field services manager.

So and he was a manager?---That's right.

And there were various other managers that were reporting to Mr Pigot from your observation as well?---Absolutely.

And it was the practice, was it, that when Mr Pigot would inform the managers of certain activities or things that happened that then the manager would disseminate that information in material, both to you and then to the subordinates below you, is that, is that what happened?---Yes.

10

And you spoke of the email where there was this ad hoc panel and that there were two people, two recruitment agencies that were being used.---Okay, sure, yes.

Surely you're not suggesting though that the email that was sent included only two companies correct?---Sorry, which email is that.

20

Well the email that you referred to when giving evidence when the learned counsel assisting the University asked you some questions and you said, that and when the Commissioner asked you some questions - - -?---Sure (not transcribable)

- - -you were referring to an email and that the email came out in something like December I think you said and that there hadn't been any consultation prior to Mark, my client, Mr Pigot, prior to Mark putting together that email. Now I take it from what you're saying in the context of the questions that you were referring to the email that had the providers on it, the agencies? ---Yes, the five list, yes.

30

And you, have you ever seen a copy of that email?---I would have read it for sure.

And who did you get it from?---It would have been whoever sent it, I'm not sure.

40

Well, if you have a look at page 50 you'll see that this is the email from my client Mr Mark Pigot and it's dated 27 November 2009 and it goes to all of the managers including Todd Demiralay and it starts off by saying, team thanks for your feedback on this.---Yes.

And then he lists a number of providers and he says, "of course there may be circumstances where we go and get another agency if needed," and you've seen that email before?---Yes.

And surely you don't take from that email that there's any implication implied or overt that you couldn't use any or recommend any one of the five and if that was in appropriate that you could search beyond that particular panel as proposed, correct?---No sure.

In fact, there was a strict panel or tender process that these people went through to get onto this list, correct?---I'm not aware how the line management did that, how they compiled that list.

So when you talk earlier about the lack of consultation whilst my client, Mr Pigot's at the helm, that you're unable to tell us anything about what he's talking or what he's saying when he's saying, "thanks for the feedback" are you?---Not in the context of that letter, no.

10

No, well not in the context of putting together the list, correct?---Sure, yep.

And not in the context of revising or otherwise attending to the list, correct? ---Yep.

And if you could have a look – sorry, I withdraw that. You as I understand are married to Mr Demiralay's wife's sister, is that right?---That's right.

20 And what's your wife's name, if you don't mind?---It's formally it's Soulvasti Tsipidis but she's known as Soula.

And she's born on 26 July 1965?---That's right.

And you have told us here today that you were unaware, that you were unaware of your sister-in-law's business arrangements - - -?---Absolutely.

- - -with respect to Succuro? And I think you also said that they were a close family that the sisters were very close?---Yeah, they were, a close family, yes sure.

30

And do you know or have you had cause to talk to your wife and her knowledge about her sister's involvement in this company since proceedings and investigations?---Absolutely, absolutely.

MS McGLINCHEY: Commissioner, I just object. I really fail to see how any of this, these are matters which Counsel Assisting have gone over what my client knew about the relationship between the sisters, what was said. It doesn't really affect Mr Pigot's interest and I just object to going over the same area when it doesn't affect Mr Pigot's client, doesn't affect Mr Pigot.

40

ASSISTANT COMMISSIONER: Yes, Mr Gollan, what are you getting at here?

MR GOLLAN: Well the credit of this witness most certainly does and that's why I started out with the impugning statement that he made about this loose and ad hoc arrangement and I have sought some instructions from Mr Pigot about this, you might have seen me wander to the back of the room, most certainly impacts upon him and the relationship and the

knowledge within the relationship of both this witness and Mr Demiralay's and their respective wives (not transcribable) to the issue at large in my respectful submissions I've asked very few questions and I intend upon keeping to a very few questions but there is an area of exploration that arises by reason of the documents that have been produced today.

ASSISTANT COMMISSIONER: Yes, I think it's reasonable to test this witnesses knowledge and his wife's knowledge of the business arrangement.

10 MR GOLLAN: Have you had cause to speak to your wife since these investigations commenced about her knowledge?---Absolutely.

What did she say about her knowledge?---She had no idea.

And what about the gentleman that was in business with your sister-in-law, what's his name, Mr Mylonas?---Okay, sorry, yep, Bill Mylonas, yep.

20 And you described him as previously a boss or a work colleague of your sister-in-law?---That's right, that was my understanding, she was working for somebody she used to work with before.

And do you know Mr Mylonas in any other capacity?---Absolutely not, first time I met him, like I said, was when I started working at the University.

And that was the first time that you saw his name was it?---I, I'm going to say yes, I can't remember if I've seen his name before but most certainly as an individual as who he was, that's when the image comes into mind was that, that period, absolutely yes.

30 And is Mr, pardon me please Commissioner. Do you know whether or not Mr Mylonas is married?---I've heard, yes, he's married as far as I know.

And is he married to Christina?---I don't know anything about his family.

When Counsel Assisting was asking you some questions about the company Peoplebank.---Yes.

40 And Peoplebank was a provider at various times, correct?---From my memory I think we put on two recruits from Peoplebank.

And you were saying, were you, earlier that you'd had some problems at various times?---In fact, on both times I used Peoplebank there were problems, yeah, quite strange ones in both cases, yes.

And you were taken, and you can have a look in the bundle of documents that were given to you, if you were taking to page 154.---This is in the, sorry, which - - -

In the bundle of documents that were given to you before lunch that everyone has had you referring to.---Okay, sure.

And you'll see the top right hand corner, page 154.---Yes.

And you were asked about this email and what it mean?---Yes, sure, right.

And that was; when you told us about the problems that you had with Peoplebank?---I'm assuming looking at the date March, yes.

10

If you were to undertake interviews or you would participate on the panel, you understood that there was a process of interviewing more than one person?---To understand, sorry, give that to me again, I don't know - - -

Was it the process that you adopted to interview more than one person having through the CV's that were made available to you by the various providers?---Was the process to go through, sorry, I'm not getting what you mean.

20

When the CV's were provided - - -?---Yes.

- - - you would sit down and go through them, I presume?---Myself and the - I would send them out to the tech, 'cause these are desktop support positions you're talking about or - - -

Yes.--- team leader, I wasn't involved in team leaders.

Support positions?---great, okay.

30

Those that you would participate - - -?---Yeah, I would - I would, yes, sure, I would contact the agencies, the two agencies, get, get the list of two or three of their better ones and I would actually forward them onto the TLs 'cause ultimately they would be making a decision not me because they would be working for them.

40

And after that did you then organise for the interviews?---That's right. The, the TLs would come back to me, they would look at their, their technical credentials, they'd identify who they thought they, they, they wanted to interview and I would, I would compile a list, get, get their, you know their availability, our TLs availabilities for interview times, suggest that back to the agency and so on, yes.

And so far as the CV's were concerned - - -?---Yeah.

- - - you knew it was important that you got a selection of CV's?---Yes, sure.

And you knew that if anyone was to review the process that it was important that on the face of it that you could identify that there'd been a number of CV's looked at. Correct?---Yeah, I guess that - yeah. The process was go to two suppliers, fill out the recruitment confirmation and yeah, that's right things would be checked on the paper, yeah, sure.

And you knew that the documents that recorded all of these activities were filed away. Correct?---Absolutely.

10 And you knew that they were available for internal and potentially external audit. Correct?---I, I knew that the document would not get processed if, if finance or Mark weren't happy with what was on it, so every, every RC that I forwarded on hand on heart was very comfortable, whether it had one name, 10 names or whatever. I, I didn't see anything wrong because I, I knew the process would stop in its tracks, there was nothing underhanded going there at all from my perspective.

Did you think that it was permissible for the subordinate roles that we're talking about, the contractors, not the team leaders those below?---Yes.

20 Was it permissible to participate in an interview process where you only had one CV?---It's not ideal but it, it'd probably, it'd probably go through, it'd probably go through - the RC would probably go through because there was something called which I found out later called the quotation waiver, that it wouldn't come back to me to go back to somebody else.

Let's forget about what you found out later. I'm talking about at the time -

--?---Yeah, sure, yeah, but it would, it would - I'll be at - I would, I would put it through - if you're asking me if I filled out an RC with one name and it was sent to Irma she would contact the manager and they could have a discussion and, and he could, he could actually get her to process it, yes, and then obviously Mark would have to be happy as well but it's - it could happen absolutely.

It certainly wouldn't include names just for the sake of making the document look like you gone through the process correct, would you?---No, could have done it many times if I wanted to.

40 You certainly wouldn't suggest to Todd that he should include a name or that you should include a name in his direction on a form so that a third party reading it would be left with the impression that further and more candidates were considered than those that were actually considered?---No.

You wouldn't do that would you?---No.

And you wouldn't participate in a conversation even with Todd would you? ---Well, if, if it was initiated and I had to talk about it I would but I obviously wouldn't, wouldn't promote it that's for sure, if that's what you're saying, yeah.

You certainly wouldn't suggest to him that at a later date when looking at the document you wouldn't suggest to him that he included a name that wasn't already on there at the time that the interview was undertaken. You wouldn't do that would you?---Probably not, no.

Well, of course you wouldn't?---No.

10 Because that would be an obvious breach of the confidence of your employer. Correct?---Sure.

And people like Mr Pigot would be in a situation where having relied upon that it would be rely upon incorrect information?---Sure.

And by putting him in a situation like he's been in here?---Yeah, sure.

20 Can you turn the page over to page 156 of the bundle. Actually 157 first, please. There's emails. Terrible things, it goes backwards. Can you see that there's a note there to you from Marios (not transcribable)?---Yeah, yeah.

And suggesting there about certain persons to be examined and also certain persons that were to get their house in order very shortly. You can see that can't you?---Yeah, sure, yeah. There's two people there, yeah.

And then on page 156 you respond to Todd with respect to the content of that email and you say, "Todd, I think I asked you but what is the situation with Marios and Peoplebank" you can see that, can't you?---Yeah, sure.

30 Well, they've forwarded at this stage a, as I understand the email from Marios at least one person who has filled out all of the relevant documents and made it available to the University consistent with the advertisement, correct?---Sure, yeah.

What do you mean what do we do with it, what's the situation?---What do we do with it.

40 Well, what is the situation? What do you mean by that?---(NO AUDIBLE REPLY)

Do you want me to read it out to you?---No, no, I'm just trying to read it, as a suggestion I would include Sam.

No, no, don't worry about the suggestion?---Oh, sorry, oh, okay.

That's quite a remote matter. We'll talk about that in a second - - -?---Sure.

- - - I assure you. So what do you mean about “Todd, I think I asked you but what is the situation with Marios and Peoplebank” dot dot dot dot. What do you mean by that?---I’m not sure what I mean for in that context.

Well, let’s move on from that and have a look - - -?---Sure.

And this next piece that seems to be at odds with what you just told us?
---Sure.

10 “Also as a suggestion”, so you’re suggesting to him “I would include Sam Sekuloski” S-E-K-U-L-O-S-K-I “as one of the unsuccessful candidates in our paperwork et cetera”?---Yeah.

But he’s, “But he is not from another agency!!”?---Right.

“We could go for a typo or an oversight”?---Yeah.

Now before you answer this question - - -?---Sure.

20 - - - remember at the beginning of your evidence you were afforded a declaration?---Yeah, sure.

But that’s conditional upon you telling the truth. What do you mean by “we could go for a typo or an oversight”?---Yeah, it looks, looks like I’m, I’m suggesting that we, we do something that didn’t happen.

You’re conspiring to lie so that people like Mr Pigot who works on the basis that he can trust you all is prejudiced and disadvantaged and ultimately your employer?---Sure.

30 Let alone the people that aren’t afforded a fair opportunity to be interviewed. There’s no suggestion here that I’m just following my orders. You’re suggesting this, correct?---Yes, I am.

Met with some enthusiasm you’d agree, “Good idea. Talk to you shortly about Marios”, you’ll have a chat about Marios but your suggestion’s a great idea. You’d agree that that’s what’s implied by Todd’s response?
---Yes, I could.

40 And you’d agree - we’ll get to whether or not you did it, you agree that what you’re suggestion is an act of dishonesty?--- Yes, I would.

Deceit?---(NO AUDIBLE REPLY)

You have to answer, it’s being recorded?---Oh, sorry, yes.

And that it was designed to deceive third parties when considering whether or not you'd followed the process, correct?---I'd have to agree with you, yeah, on that one, yes.

And what you'd also have to agree is it implies a knowledge of the process and that is that it's not good that we send in a form with one fellow on it, correct?---In that particular case it looks like, yes.

10 And it's not good that they all come from the same agency, correct?---In that context, yes.

And you were doing that so that you could deceive people like my client, correct?---Ah - - -

Correct?---Yes, I would say yes, to a point, yes.

Well there is no other logical answer is there?---No.

20 And if we don't have the gumption to do that the other suggestion is that if we are ever audited or asked questions about it, we'll lie by calling it a typo or an oversight?---Sure.

That's correct isn't it?---That's what I'm saying there.

That's not only what you're saying there, but that's the manner in which you and Todd ran this whole process of employing people to the prejudice of others that might have been equally or if not more qualified. Correct?---I wouldn't agree with that, the way you're putting it, no.

30 If we were to look at this exchange alone, you'd agree that that conclusion is irresistible?---In that, in that context I'd, I'd agree with it, yes.

Now can you move forward please to page 159. Commissioner, I do note the time, but I'm happy to continue on, please, I won't be very long.

ASSISTANT COMMISSIONER: Can I just get estimates how long other people might be with this witness?

40 MR McILWAINE: I'll be about five minutes, Commissioner.

ASSISTANT COMMISSIONER: Anybody else? No? Ms McGlinchey, will you be - - -

MS McGLINCHEY: Commissioner, I'm not quite sure. I would like to be able to speak to my client perhaps overnight about the areas that he'd still like me to cover. I wouldn't like to start. I don't think it'd be fair to the witness to start anybody else today.

ASSISTANT COMMISSIONER: Yes.

MR GOLLAN: Well if that's the case , Commissioner, I might invite you to rise.

ASSISTANT COMMISSIONER: Thank you.

MR GOLLAN: The only reason being is I often find when you step away from your cross-examination, you generally rationalise it.

10

ASSISTANT COMMISSIONER: Yes, but I would like to start at 9.30 tomorrow. We still have quite a few witnesses to get through hopefully in one day. I may be overly optimistic in that view. But we will start in 9.30 tomorrow.

THE WITNESS STOOD DOWN

[4:07pm]

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AT 4.07pm THE MATTER WAS ADJOURNED ACCORDINGLY

[4.07pm]