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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION JARAH

Reference: Operation E13/0494

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY, 21 JANUARY 2015

AT 2.05PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

ASSISTANT COMMISSIONER: Thank you, please be seated.

Yes, Mr Sutton.

MR SUTTON: Commissioner, perhaps it won't be of great note but if I could put on the record, I managed to speak to my client over lunch. I'm instructed to make no further submissions in relation to the order of witnesses that are to be called.

10 ASSISTANT COMMISSIONER: Thank you for that.

Yes, Mr Gartelmann.

MR GARTELMANN: Commissioner, I was about to call Adisty Said but I've just been informed she might be in the bathroom.

All right. Well, we'll just - - -

20 MR CARROLL: She'll be seeking a declaration, it's been explained to her and she'll be taking an affirmation.

ASSISTANT COMMISSIONER: Thank you.

MR CARROLL: She should be no more than 30 seconds.

ASSISTANT COMMISSIONER: That's fine. We'll just wait.

30 MR SUTTON: Commissioner, while there's a little bit of a lull, and very much a housekeeping matter.

ASSISTANT COMMISSIONER: Ah hmm.

MR SUTTON: Is there any possibility of the air conditioning temperature being lowered slightly? It seems to be very warm in here.

ASSISTANT COMMISSIONER: Oh, you want it to be colder?

MR SUTTON: Yes, thanks, if at all possible.

40 ASSISTANT COMMISSIONER: Well, we can, we can try.

MR SUTTON: It might be that problem of men and women and different body heats perhaps but I'm finding it particularly warm.

ASSISTANT COMMISSIONER: It's cold up here but yeah.

MR SUTTON: I'll swap.

ASSISTANT COMMISSIONER: Yes, we'll see what we can do.

MR SUTTON: Thank you for consideration.

ASSISTANT COMMISSIONER: Yes, Ms Said. Yes. Please come up and have a seat.

MS SAID: Thank you.

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

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

30 ASSISTANT COMMISSIONER: And, Ms Said, as it has no doubt been explained to you by your Counsel, the effect of that order is that nothing you say here can be used in other proceedings except if it's found that you've provided false or misleading evidence or breached the Act. Do you understand that?

MS SAID: Yes, I do.

40 ASSISTANT COMMISSIONER: Thank you. Could the witness be affirmed please.

<ADISTY PRIMASURI SAID, affirmed

[2.11pm]

ASSISTANT COMMISSIONER: Yes, Mr Gartelmann.

MR GARTELMANN: Is your full name Adisty Said?---Adisty Primasuri Said.

Thank you. Said is spelt S-a-i-d?---That's correct.

10

Ms Said, are you an employee of Murray Civil Works Pty Limited?---Yes, I am.

You're still employed there today?---Yes, I am.

When did you commence employment at Murray Civil Works?---Four years ago today.

Four years ago today?---Yes.

20

So January, 2011?---Yes.

When you commenced employment at Murray Civil Works were there two directors and shareholders of the company at that time?---Yes.

Mr Murray and Mr Twomey?---Yes.

And your position at Murray Civil Works I understand is called systems manager?---Yes.

30

That's a title that you came up with yourself isn't it?---Yeah.

Now you know Phillip Cresnar don't you?---Yes, I do.

It's the case isn't it that you were dating for about a year at one time?---Less than a year.

What year was it that you were dating then?---2010.

40

So the year before you commenced employment at Murray Civil Works?---Yes.

Were you dating Mr Cresnar at the time that you got your employment with Murray Civil Works?---No, I was not.

How long had you ceased dating with Mr Cresnar that you became employed at Murray Civil Works?---A couple of months I believe.

Did you remain friends with Mr Cresnar after you ceased dating him?---No. Not until a couple of years later.

Well, what I'm wondering is whether or not you remained on friendly terms with Mr Cresnar after you ceased to date?---Not for the first year or two.

I see. So you didn't have contact with Mr Cresnar then for a period of a year or two after you ceased to date?---It would be work related.

10 Work only?---Ah hmm.

I see. When was it that you again started to have a relationship with Mr Cresnar outside of work?---When I needed him to look after my cat in 2012.

2012?---Yes.

You know Mr Cresnar is friends with Mr Twomey don't you?---Yes.

20 Did you know Mr Twomey before you started work at Murray Civil Works?---No, I didn't.

Did Mr Cresnar introduce you to Mr Twomey?---Um, I think so, yes.

Was that a social occasion?---No.

In what circumstances did Mr Cresnar introduce you to Mr Twomey?---Um, no, it would've been at the office and it wasn't Phil it was Val.

30 I'm sorry?---It wasn't at – it wasn't Phil who introduced us.

I'm sorry. I've asked you a questions, did Mr Cresnar introduce you to Mr Twomey and your answer to that question was yes?---Yeah. I wasn't – that was – I was incorrect.

So who introduced you to Mr Twomey?---Val.

And when you say Val are you referring to Valentine Murray?---Yes.

40 Who introduced you to Mr Murray?---That would be Phil.

All right. Was it your understanding that Mr Cresnar was friends with Mr Murray?---No.

So how was it then that Mr Cresnar came to introduce you to Mr Murray?
---Well, because Phil and Denis were friends and Phil knew that I was looking for a job and he told Denis who must have told Val and then I was told to go into the Murray Civil office for an interview and that was it.

All right. So you met Mr Murray first when you went into the office?
---Yes.

And then you later met Mr Twomey?---Yeah.

Shortly after you were employed at Murray Civil did it tender for Ausgrid work?---Sorry?

10 Did Murray Civil tender for Ausgrid work- - -?---Yes.

- - -shortly after you became employed there?---Yes.

How long after you were employed there was it that Murray Civil tendered for Ausgrid work?---A month.

A very short time?---Yes.

20 Were you involved in the preparation of the tender for Murray Civil Works?
---Yes, I was.

What was your involvement in the preparation of the tender?---I filled out the tender form and the documentation that went along with it, for example the management system documentation um, and anything that came in the tender packet.

Did you get any – I'll withdraw that. Did you speak with Mr Cresnar at all about any of the information you needed to prepare the tender?---No.

30 Are you sure about that?---Yes.

Who did you speak to?---Val.

Mr Murray?---Yes.

Did you speak to anyone else?---No. Denis maybe.

Now, prior to your employment with Murray Civil Works you were working in the retail sector, weren't you?---Ah, yes, a part-time job.

40 What sort of work was that?---It was just shoes.

Right?---Selling shoes, yeah.

So when you commenced working at Murray Civil Works you would have been quite unfamiliar wouldn't you with the nature of the work that Murray Civil did?---Yes.

And you would have been quite unfamiliar with tendering for work with a large government utility like Ausgrid?---Yes.

So you would have had a need for some guidance wouldn't you in preparing the tender documentation?---Some, yeah.

And is it the case that you spoke to Mr Cresnar when you had any queries about what information to put in the tender documentation?---No.

10 You didn't speak to him at all?---Not about the tender documentation.

You were dating him for a period during the year just before you were putting this tender material together?---Ah hmm.

Correct?---Yes.

And during that time Mr Cresnar was an Ausgrid officer. Correct?---Yes.

20 And you knew he worked in the Contract Cable Laying division of Ausgrid. Correct?---Yes.

And the tender that Murray Civil Works was putting together was for work with Ausgrid in its or from its Contract Cable Laying division. Correct? ---Yes.

So notwithstanding that you've been seeing Mr Cresnar up until perhaps a couple of months before- -?---Ah hmm.

30 - - -you know that he works in the Contract Cable Laying division of Ausgrid. Correct?---Ah hmm. Yes.

You've got absolutely no background in putting together tender documentation for such a thing as Ausgrid work with Contract Cable Laying, its Contract Cable Laying division. Correct?---Yes.

You don't ask Mr Cresnar for any help?---No.

Are you sure about that?---Yes.

40 What was your understanding about what Mr Cresnar's duties were in Contract Cable Laying at Ausgrid at that time?---I didn't know.

Well, surely you knew he was a contract inspector?---Um, I, I was told he was a project manager.

A project manager?---Yeah.

Does the name or term project planner mean anything to you?---Yes, it does.

Is that what you mean essentially?---Back then I didn't really know exactly what he did.

All right. But you became aware that he was a project planner at least for some period of time?---Yes.

10 And it's your understanding isn't it that a project planner is an Ausgrid officer who has some involvement in choosing which contractors get Ausgrid work from Contract Cable Laying?---Yes.

You understood, didn't you, that an Ausgrid officer such as a project planner had the capacity to choose which contractor might be allocated contracts with Contract Cable Laying for in particular smaller jobs?----I'm sorry, can you repeat that?

20 You understood that a Contract Cable Laying officer, a project planner - - -? ---Yes.

- - - with Ausgrid had the capacity to choose which contractor would be allocated contracts with Contract Cable Laying?---Yes.

In particular smaller jobs, right?---Yes.

You understood the larger jobs Ausgrid officers were required to invite tenders from a number of contractors?---Yes.

30 But smaller jobs they had the power to choose for themselves who should be allocated a contract?---Yes.

Was that your understanding?---Yes.

And was it your understanding that Mr Cresnar was an officer who had the power to do just that?---Yes.

40 Now during the time that you've been employed at Murray Civil Works up until his employment ceased was Mr Cresnar a project planner in what's called the North Region, the North Region for Contract Cable Laying? ---Yes, he was.

So your understanding was that he had the capacity to choose which contractors were allocated work within what's called the North Region? ---Yes.

And you understand the North Region to mean that area between Sydney Harbour and the Hawkesbury River?--- Yeah.

And Murray Civil Works was doing work under contract for Ausgrid via Contract Cable Laying in that region during your employment?---Yes.

To your knowledge did Mr Cresnar ever help Murray Civil Works get any contract work with Ausgrid?---No.

10 Did he help with such matters as perhaps just providing information, that you might put in contractor offers that contracts would offer with Ausgrid?
---No.

The responsibility for – I withdraw that. You understand what I mean by a contractor offer don't you?---Like the stage 3 document?

Yes?---Yes.

There's a number of stages to the contracting process for work with Ausgrid?---Ah hmm. Ah hmm.

20 One of those stages is called the stage 3 or stage 3A - - -?---Yes.

- - - more accurately, correct?---Yes.

And that essentially comprises a contractor offer to do a particular job for Ausgrid at a particular - or for a particular price?---Yes.

Did Mr Cresnar ever help Murray Civil Works put together its contractor offers?---No.

30 Now your job as systems manager didn't involve you putting together contractor offers did it?---Not, not really no, it was the Estimator that was done by the project manager.

There was a particular or a person with a particular responsibility at Murray Civil Works for that particular job?---Yes.

And that person was called the project manager?---Yes.

40 And his name was David Naughton?---Correct.

N-a-u-g-h-t-o-n?---Yes.

It was your understanding wasn't it that as part of the contracting process the project manager would attend what's called a walkthrough- - -?---Yes.

- - -with an Ausgrid officer?---Yes.

They go out onsite, they walk around the site to determine what variables might affect the quantities involved in order to – for the contractor to put together the contractor offer?---Yes.

All right. Did you ever attend walkthroughs?---No.

Because you have no background in matters of an engineering nature?
---Correct.

10 So your project manager I assume would attend the walkthroughs?---Yes.

Did you ever just ring up Mr Cresnar and ask him for help in putting together these contractor offers- - -?---No.

- - -for Murray Civil Works?---No.

Because you had a project manager who had the responsibility for doing just that job. Is that right?---Yes.

20 So you didn't ring up Mr Cresnar and say can you give us help with what information we need to put together in our stage 3A's or anything of that nature?---No, I did not do that.

All right. I'd like to show you something, page 327. Do you see a document before you, Ms Said?---Yes.

I suggest to you that what you see before you is a document setting out the terms of a text message sent from your mobile phone to that of Mr Cresnar. Do you understand that?---Yes.

30 You can see there that on the document it refers to your name and beside that there's a telephone number?---Yes.

And you'd accept that that's your mobile phone number?---Yes, it is.

And have you read now the message that's set out below that?---Yes, I have. Um, do you want me to read it out, sorry?

No, I'm going to ask you about it?---All right.

40 Do you recall sending that message to Mr Cresnar?---Yes, I do.

What was that about?---Um, just needed a copy of a compressive strength test um, just to compare it against our own.

Why was that?---Well, because, so for us to gain completion for a project we have to provide the officers, the project officer with a compressive strength test report. Um, it's a quality report. And I think there was an

issue with one of the ones that we had being outside the allowable reading so then I asked him whether or not any, any of the other contractors would have something that is correct so I can take that back to our suppliers and be, like, look, it's definitely possible, what's going on.

Well, look, aren't you asking him there for help with information that you need in order to put together contractor offers that are submitted to Mr Cresnar as an Ausgrid officer?---No, that's not a part of the contract offer, that's not part of stage 3.

10

Nothing to do with it?---Nothing to do with it.

All right. I'll show you the next document, the following page, 328. Do you see there on the screen before you- -?---Yes.

- - -a document setting out an SMS message from Mr Cresnar back to you? ---Yes.

20 And in effect agreeing to look for what you'd asked for in the previous message?---Yes.

I'll now show you another document. Page 347. Do you see on the screen before you a document setting out the content of another text message from you to Mr Cresnar?---Yes.

And you're essentially repeating your request that he provide you with these strength reports?---Yes.

30 Did Mr Cresnar ultimately provide you with strength reports?---I think so, yes.

And you said that those were strength reports from other contractors?---Yes.

Why did Murray Civil Works need copies of strength reports prepared by other contractors?---Well, if the other contractors are able to achieve those amounts then why can't our suppliers.

But surely that information belongs to the other contractor concerned? ---Yeah.

40

It's confidential business information isn't it?---I didn't think so.

Why isn't it that Murray Civil couldn't have prepared its own strength reports without the assistance of copies of reports from other contractors? ---We did.

So why did you need these contractor – I’m sorry. Why did you need the strength reports from the other contractors?---Because I wanted to see whether or not – like I wanted to compare it to theirs.

Why?---Because ours were outside that reading, the allowable reading.

And why did you care about that?---Because we needed to get a completion request in.

10 Did somebody ask you to do this?---No. I just told the project manager look, I’ll see if I can ask someone in Ausgrid to pull up some information for me.

So you asked Mr Naughton?---Yeah, I talked to David.

Did he tell you to ring up Mr Cresnar or send him a message asking for copies of strength reports from other contractors?---No.

20 You just decided to do that off your own bat?---Yeah. I thought it would be helpful.

ASSISTANT COMMISSIONER: Well, your message said you wanted to copy it. Is that what you wanted it for?---I think - - -

So you could just copy what they had put down?---I think that was a typo.

A typo for what?---Example or copy.

30 Well, I don’t have the message but it seemed pretty clear you were saying you wanted to copy it?---No, I think I meant “or”.

MR GARTELMANN: Are you saying that this – I’m sorry, Commissioner, I’ve interrupted.

ASSISTANT COMMISSIONER: That’s fine. I need an example to copy? ---Yeah, I think that’s supposed to be “or”.

Are you sure?---It seems like it.

40 Well, it seems like you wanted to copy. It seems that’s the effect of what you were saying?---To copy a compressive strength.

That you wanted your report to be consistent with the other reports that were acceptable?---Mmm, I don’t know. Mmm.

Well, whether it says example to copy or an example or copy, your purpose in getting it was so that you could make your reports consistent with it because they weren’t acceptable. That’s how I understand your evidence?

---Yes, that's correct.

Yes. Thank you, Mr Gartelmann.

MR GARTELMANN: But Ms Said, are you saying that that had nothing to do with Murray Civil Works' preparation of contractor offers?---It didn't.

10 All right. I'm going to ask you to listen to something. It's 508. And while it's coming up I'll just inform you that this is an extract of a conversation it's not the entirety of it. Do you understand?---(No Audible Reply)

AUDIO RECORDING PLAYED

[2.35pm]

MR GARTELMANN: Ms Said, do you recognise your voice in that recording?---Yes, I do.

20 Speaking with Mr Cresnar?---Yes.

And at the commencement of that extract of that conversation Mr Cresnar is asking you in effect whether or not he got something that he sent through to you?---Ah hmm.

What he sent through to you I take it was the strength reports that you'd requested earlier in your SMS messages?---Yes.

30 And then in the course of that conversation you go on to talk about other aspects of the new stage 3A's, correct?---Yes.

And stage 3A being the contractor offer that Murray Civil Works submits to Ausgrid, correct?---Yes.

So it's the case isn't it that what he was sending through to you and what you had requested for him was related to what you needed to do to put together the stage 3A?---They were completely unrelated documents though.

40 Why are you talking about it in essentially the same conversation?
---Probably because we were talking about previously or via email or via text but I, I remember this exactly. What happened was with the stage 3A's it was – the template was different than the one that, that it used to, like it looked different, like there was no price or anything like that.

Right?---So – which I thought was really weird considering that they always had a price.

But once you raised that topic with Mr Cresnar - - ?---Ah hmm.

- - - he refers to just having sent something through to you now?---Yes.

Do you see that?---The correct template.

All right. Now why was Mr Cresnar sending through to you a template in that conversation?---Because I needed the correct copy.

10 And Mr Cresnar in the course of that conversation was asking or informing you that you needed to put the price on the stage 3A contractor offer wasn't he?---Yes.

So Mr Cresnar appears to be in the course of that conversation assisting you with the preparation of your stage 3A?---No.

Well, what's he doing?---He's sending me the correct template.

20 All right. So he's assisting you at least to some extent isn't he?---Well, I could have got it from any of the other Ausgrid contractors.

Yes. Look, really isn't it the responsibility of another Murray Civil Works officer to prepare stage 3A contractor offers?---Yes, but when obtaining documents from Ausgrid or created templates, that's my responsibility.

All right. But as I understood your evidence earlier you said that you would never contact Mr Cresnar for assistance in putting together stage 3A contractor offers?---Not when it comes to pricing, no.

30 Well, you didn't say that when I asked you about it, you just said, "No."

MR CARROLL: I object. The information was part of that question is minor in relation to what was put, it wasn't simply put as a general proposition, at least the form of all the questions in combination led to an answer which allowed for a response in terms of information and content, not simply asking for the proper template to complete, it's a bit- - -

ASSISTANT COMMISSIONER: Well, as I understood the witness's earlier evidence she said she'd never asked Mr Cresnar for help at all
- - -

40 MR CARROLL: Yeah, yeah.

ASSISTANT COMMISSIONER: - - -to do with Murray Civil work.

MR CARROLL: But it flowed from questions in relation to content and that's the unfairness in putting general propositions then saying that those answers are inconsistent with the current evidence. It's quite clear and she's explained that phone call quite clearly to this Commission that there's two

parts to the question and all that she provided or requested was the template which she wasn't in possession of, not to do with content, not to do with information. So if, if the previous evidence- - -

ASSISTANT COMMISSIONER: Well, I know that's what she's saying but I don't think that addresses the issue of her previous evidence- - -

MR CARROLL: Well, but- - -

10 ASSISTANT COMMISSIONER: - - -which was that she didn't get any help at all from Mr Cresnar on anything.

MR CARROLL: Yes, but what I'm saying is the unfairness in that question is that it was clear from the import that it was to do with content information. If the transcript can be read back in the case of those specific question, if it's going to put that there is an important inconsistency the transcript correctly in this entire series of questions which were directed towards content, not simply requesting the template.

20 ASSISTANT COMMISSIONER: Well- - -

MR CARROLL: But if Mr Gartelmann's not in a position to- - -

ASSISTANT COMMISSIONER: No, she wasn't specifically asked did you ever request a template but she was given every opportunity to outline any assistance that she was aware that Mr Cresnar provided to Murray Civil.

MR CARROLL: So the Assistant Commissioner is with me in terms of the generality in terms of response?

30

ASSISTANT COMMISSIONER: Well, yes, I mean I don't know now what the question is that you're objecting to because I can't remember it. Maybe you can just carry on and try not to offend Mr Carroll.

MR CARROLL: I'm not offended, I'm just, I'm not offended on the slightest.

ASSISTANT COMMISSIONER: No, I'm using that in a general sense.

40 MR CARROLL: Thank you.

MR GARTELMANN: I would never be so brave.

Ms Said, I asked you earlier today whether you ever spoke to Mr Cresnar for assistance with respect to stage 3A contractor offers and your answer was, "No." Do you recall giving that evidence earlier today?---Yes.

And it wasn't true, what you said, was it?---I assumed it was about the pricing.

Why did you assume that?---Because it had to do with the content, I just assumed that it had to do with the content.

Why did you assume it was about the pricing?---That's why we're here.

10 Why do you think that?---Just based on what I've been reading.

Well, did you have any involvement in preparation of the actual content of a stage 3A contractor offer?---I pre-filled out some of the fields in the stage 3A.

What, are you talking about things there such as the business address and that sort of thing?---Yeah.

All right?---Signature at the end.

20 None of the technical information?---Not, you mean like the - - -

Quantifies for instance?---The quantities, no. For the Estimator file, no. I filled out the actual prices before on the stage 3A document, not on the Estimator file though.

And where did you get that information from?---David.

All right. Exclusively?---Yes.

30 You didn't ask Mr Cresnar for any assistance in that regard?---No.

Is it your understanding that the stage 3A contractor offer pricing is based upon multiplying rates set out in a schedule of rates by specific quantities, is that your understanding?---Yes.

The quantities concerned would be calculated by your project manager. Correct?---Yes.

40 That information wasn't provided to you by an Ausgrid officer was it? ---No.

Did you ever ring up Mr Cresnar and ask him to send you information relating to the quantities to be used to calculate a stage 3A contractor offer? ---I'm not sure.

You're not sure?---Yes.

Well, it would have – it would follow from the evidence that you’ve given earlier today that you wouldn’t have. Would you agree with that?---Well, yeah.

Like - - -?---But I obviously forgot a few things so - - -

Yes. Is it the case, Ms Said, that you suspect we might have a conversation recording you doing just that?---I don’t know.

10 Is that why you’re saying I don’t think so?---No. I, I don’t know.

Look, isn’t it the case, Mr Said, that you spoke to Mr Cresnar on the phone with a view to getting information regarding the quantities to be inserted in the stage 3A contractor offer for contracts with Murray – between Murray Civil and Ausgrid?---I can’t remember if that would have happened but - - -

Surely you would remember that wouldn’t you?---No.

20 Because you’d know it was wrong wouldn’t you?---No, not necessarily. Because there are cases where – there has been a few cases actually where the project officer is the one who sends us the assessment and I just added that into the stage 3.

Right. But for you to ask an Ausgrid officer what quantities you should put in your stage 3 offer would be wrong wouldn’t it?---The quantities in the Estimator file?

Yes?---Yeah, I don’t recall ever doing that.

30 Yes. Because – and you would recall such a thing because it would have been wrong for you to do so. You knew that?---Yeah.

And you know that now don’t you?---Yeah.

All right. I’m going to ask you to listen to another conversation. Excuse me for a moment, Commissioner. Sorry, Commissioner, there might be a short delay.

40 **AUDIO RECORDING PLAYED** **[2.48pm]**

MR GARTELMANN: I think it can probably be stopped there because we’ve heard the passage that follows. Now, Ms Said you’ve heard another extract of that conversation that you listened to in part already?---Ah hmm. Ah hmm.

You understand that and you recognise your voice there in that conversation?---Yes.

At the beginning of that call you ask Mr Cresnar “Should we attach the quantities that you sent over”?---Yes.

“Because we don’t have the Estimator thingy again”?---Yes.

10 So firstly it’s the case isn’t it that Mr Cresnar must have sent you the information regarding quantities for you to calculate a stage 3A contractor offer?---They’re already prefilled out in the Estimator file.

But he must have sent you quantities, information regarding quantities? ---Yes.

And that’s something that you knew you shouldn’t be asking him for, correct?---Not that in case, no.

20 Why not?---Because we didn’t have the Estimator file.

When you say the Estimator file you mean - - -?---The Estimator program, sorry.

- - - the software program - - -?---Yeah.

- - - that Ausgrid provides contractors in order to calculate prices for contractor offers?---Yes.

30 All right. So you didn’t have the Estimator file so you couldn’t do it yourselves correct?---Yes.

So you’ve asked Mr Cresnar to send over the quantities - - -?---Ah hmm.

- - - so that you can calculate the price of your contractor offer without using the Estimator, correct?---Yes.

Now you knew that that’s something that should not have occurred?---It doesn’t normally occur.

40 No. And you knew it was wrong for you to get that information from an Ausgrid officer for Murray Civil Works didn’t you?---Like I said before there are certain cases where it is acceptable.

According to whom?---Like I said, well, if there’s, if we can’t fill it out because the Estimator file, I mean Estimator program, is buggy or recently the most recent one David is on holidays and I can’t go on job walk so it’ll be filled out by Evan and such cases.

But as I understand your evidence to date it was the responsibility of your project manager to come up with the quantities following the walk through to use to make the calculations necessary to put together your stage 3A contractor offer, correct?---Yes.

It wasn't the responsibility of an Ausgrid officer to send you that information directly was it?---It normally isn't but in that case it was his responsibility.

10 But isn't it the, isn't it part of the contracting process between a contractor and Ausgrid and its Contract Cable Laying division that the contractor attends the walk through in order to verify what quantities will be involved and calculate their own pricing for the contractor offer?---Yes.

And then its submitted to an Ausgrid officer for assessment, correct?---Yes, but Ausgrid also does their own assessments.

20 But surely the Ausgrid officer doesn't give you the information for you to use to calculate to submit your own pricing?---Yes.

It defeats the whole purpose of the stage 3 doesn't it?---If the app, the program is buggy and we're having issues with it then they'll fill it out.

All right?---And we'll go by their quantities.

30 Let's go back to the evidence that you gave earlier today when I asked you did you ever speak to Mr Cresnar to get information for the purpose of putting together a stage 3A contractor offer and you said no, do you recall that evidence?---Yeah.

It was false wasn't it?---Yeah, 'cause I was - - -

Yes?---I forgot about that one.

Well, it's not just because you forgot about it, you knew it was false at the time you gave that evidence didn't you?---No.

40 The only reason you're changing your evidence is because you've been confronted with a recording of a conversation in which you're captured doing just what I've put to you, that's why you've changed your evidence isn't it?---No.

Did Mr Cresnar have any financial interest in Murray Civil Works?---I don't know.

To your knowledge?---I don't know.

Mr Cresnar had no reason as far as you're concerned to have access to the bank accounts of Murray Civil Works?---I don't know.

You can't – when you say I don't know, you don't know of any reason why he would have access to the bank accounts of Murray Civil Works.
Correct?---Yeah.

10 Did you ever give him information enabling him to have access to Murray Civil Works' bank accounts?---No.

Is there an employee at Murray Civil Works named Priscilla?---Priscilla? She quit back in 2002.

I see. What was her role before she- - -?---2012, sorry.

- - -her employment ceased?---She was a safety officer.

A safety officer?---Yes.

20 There would be no reason as far as you're aware for Mr Cresnar to need access to Murray Civil Works' information technology?---I'm sorry?

There would be no reason as far as you're aware for Mr Cresnar to need access to Murray Civil Works' information technology?---No.

I'm going to ask you to listen to something.

30 **AUDIO RECORDING PLAYED** **[2.57pm]**

MR GARTELMANN: Ms Said, do you recognise your voice in that recording- - -?---Yes, I do.

- - -speaking to Mr Cresnar?---Yes.

And in that conversation Mr Cresnar asks you for the Apple ID password for [REDACTED] ---Yes.

40 Why was that?---Because he was probably filling it out for Denis.

Denis being a director and shareholder of Murray Civil Works Pty Limited - - -?---Ah hmm.

- - -would have access to that information himself. Correct?---No.

Why not?---Because he never remembers it.

But you can hear somebody in the background during that telephone call, can't you?---Yes.

That was Denis, wasn't it?---Yes.

So- - -?---It sounded like him.

10 - - -Denis is there, why can't Denis ask you for this information himself?
---I don't know. Maybe because Phil's the one who actually knows how to type into the phone.

But it's not beyond Denis's capabilities to talk on a phone, is it?---No.

So why is it that Mr Cresnar's asking you for access or information enabling access to Murray Civil?---I'm, I'm not sure.

And you texted the password for [REDACTED] to Mr Cresnar?
---Or it could have been to Denis.

20 Well, you've just, you've just heard yourself in a conversation with Mr Cresnar agreeing to text it to him?---Yeah, but I knew what exactly that was for and it was because Denis probably needed the Apple ID password to download an app.

When you said you knew exactly what it was for- - -?---Yeah.

- - -and you then said it was "probably" because Denis needed it?---Yeah.

30 Do you understand that there's a bit of inconsistency between those propositions?---Okay.

You didn't know – are you saying that you have a recollection of that telephone conversation?---Mmm, vaguely. I assumed that that's what it was for, it usually is when they're asking for a password from Priscilla or an Apple ID thing.

When they are?---Yeah.

40 What do you mean – who - - -?---When either, when either Val or Denis are asking for an Apple ID password it's to download an app.

To download an app?---Yeah. Because they can't remember the um, the password.

Why do they need the Murray – the password for [REDACTED] to download an app?---[REDACTED], that's the phone Denis is using. He never bothered changing the Apple ID.

So you think that this information was required just so that Denis could download an app on the phone?---Yeah.

I see. So it wouldn't have enabled Mr Cresnar then to have access to any of Murray Civil's systems or bank accounts or things of that nature?---No, it shouldn't have.

10 I see. All right. Well, I'll ask you to listen to another call. 376. While that is being prepared I'll just inform you that this is an extract of a conversation it's not the entirety of it. Do you understand?---Okay.

AUDIO RECORDING PLAYED

[3.01pm]

MR GARTELMANN: Ms Said, you've just heard the voices of yourself and Mr Cresnar in that conversation?---Yes.

20 And in that conversation Mr Cresnar is informing you of the salary of your boss. Correct?---Yes.

Who is the boss in this context?---Val.

All right. And you would appear – it would appear wouldn't it that Mr Cresnar knows precisely the sum of his salary both before tax and after tax? ---Yeah, it seems like that.

30 So it appears doesn't it that Mr Cresnar has access to financial records of Murray Civil Works?---Well, it's more likely that Denis told him.

But Denis wouldn't be telling him the specific figures like \$4,658 before tax would he?---Probably not.

It seems does it not that Mr Cresnar has access to financial records relating to Murray Civil Works doesn't it?---I'm not sure. Not sure if he does.

40 Did you send him the password for [REDACTED] in order to enable his access to – that is Mr Cresnar's access to bank accounts maintained by Murray Civil Works?---No.

Do you have any explanation then for why it would be that Mr Cresnar would appear to have access to Murray Civil Works' financial records? ---No.

MR CARROLL: I object. Could the witness be – these transcripts are being put up very quickly. I just – I think out of fairness the witness should be reminded that the request for the Apple ID was on 21/11/2013 and the phone call which has been played is 27 November. There is a mischief in

this. We've been provided with excerpts of transcripts that my friend's line of cross-examination is trying to bring a connection between, between the two phone calls. The witness says I sent a text following up. It may be directed at Mr Twomey. We're not provided with this so I think out of fairness, if this line of questioning is to demonstrate a connection the witness should be afforded the opportunity to be reminded of those two dates.

10 MR GARTELMANN: Certainly. I can do that. Do you understand that the first telephone, or the previous telephone call that I played to you where Mr Cresnar asked for the Apple ID password for Priscilla was on 21 November, 2013?---Uh-huh.

And do you understand that the telephone call in which Mr Cresnar is telling you how much your boss earns is on 27 November, 2013?---Right.

Do you understand that it's six days later?---Yes.

20 And during those six days did you send a text to Mr Cresnar with the password for [REDACTED]?---It would be either to his phone or to Denis's.

All right. Do you have any explanation then for why it would be that Mr Cresnar appears to have access to financial information relating to Murray Civil Works?---No.

Would there be any reason as far as you're aware for Mr Cresnar to have access to Mr Twomey's credit card account?---No.

30 Would there be any reason as far as you're aware for Mr Cresnar to have access to Mr Murray's credit card account?---No.

All right. I'm going to ask you to listen to one further telephone conversation. 417 please.

AUDIO RECORDING PLAYED

[3.06pm]

40 MR GARTELMANN: Ms Said, you've just heard yourself in a telephone conversation with Mr Cresnar?---Yes.

And just for the sake of clarity I'll confirm that that was 28 November, 2013?---Yes.

Now there are a number of things that I want to ask you about that telephone conversation. Do you understand that?---Yes.

Firstly, would you agree that in the course of that telephone conversation Mr Cresnar refers to someone named Horse?---Yes.

And Horse is Mr Cresnar's name for Mr Twomey isn't it?---Yes.

And when Mr Cresnar makes reference to Horse he says "He has a bit of a dint in his credit card" doesn't he?---Yes.

10 And you understood that to mean his credit card account with Murray Civil Works didn't you?---Um, not exactly, no.

What did you understand it to mean?---TGB.

Mr Cresnar goes on to tell you, "It's not that much though." And you say, "How much is not that much?" And he says, "Probably about \$27,000.?" ---Ah hmm.

Correct?---Yes.

20 You then ask him, "What did he spend it on?" And Mr Cresnar says, "Not your business." And then you laugh. Do you remember hearing that? ---Yes.

And you say, "Is it something for you?" And he says, "No." And you say, "Yeah, right." And you laugh again, right?---Yes.

30 And the reason that you laughed when he said it's, "Not your business," and "No," is because you knew full well that Mr Twomey had spent money on Mr Cresnar?---I didn't know.

Well, why is it that you laugh at the very idea that it would not have been him?---It was a joke.

Yeah, because you knew full well that it would have been payment Mr Twomey made for Mr Cresnar or Mr Cresnar's benefit. Correct?---It was a possibility.

40 Well, why were you so sarcastic about his denial of it?---Because I just thought it was funny.

Yeah, it was funny because of course it was for Mr Cresnar, correct, and you knew it and he knew it and that's why it was funny between the two of you?---I don't think it was.

Why, why on earth are you laughing about the very idea then, Ms Said? ---Because I thought it was funny at the time.

What's funny about it?---I don't know, it just was.

You did know, didn't you?---No.

That's why it was funny, because you knew full well that these payments were made for the benefit of Mr Cresnar- - -?---No.

- - -on Mr Twomey's credit card?---No, I didn't know.

Yes, you did?---No.

10

Well, why then when Mr Cresnar says, "What the fuck, how would you ever consider that as possibility," do you say, "Because it is?"---Because it is a possibility.

Yes. It's more than a possibility, isn't it?---I'm not sure.

You knew full well that Mr Twomey bought things for Mr Cresnar on his credit card, didn't you?---No.

20 Oh, Ms Said, you're not being truthful in your evidence here today?---Yes, I am.

You are lying?---No.

Ms Said, there is simply no reason why you would have responded as you did to Mr Cresnar's suggestion that it wasn't for him unless you knew full well that it was for him?---No.

30 A little bit later in the telephone conversation you say to Mr, or Mr Cresnar says to you, "You know what my middle name is?" And you say, "Jug Man." Do you remember that passage of the conversation?---Yes.

And the reason you said Jug Man is because you know that Mr Cresnar has a fondness for ceramic or china jugs?---Yes.

Royal Doulton-type jugs?---Yes.

40 But shortly after you suggest Jug Man, Mr Cresnar says, "Honest John." And you repeat it and he says, "Exactly." And you say, "Right," and you laugh. You say, "Oh my god, all right, Honest John." Do you remember that passage?---Yes.

The reason you laugh is because it is a preposterous idea that Mr Cresnar was honest?---I just thought it was funny.

Why is it funny?---'Cause it was a stupid nickname.

It's funny because Mr Cresnar is far from honest, and you knew it. Right?

---No.

That's why it's funny. Correct?---At the possibility of him, yes.

That's why you say, "It's the strangest nickname ever." Correct?---Yeah, and it just sounds funny.

Now, Mr Cresnar then goes on to say, "Yeah, my jug collection's very lacking at the minute," doesn't he?---Yes.

10

And he says he hasn't bought a jug in yonks. Correct?---Yes.

And then you say, "Maybe you should ask Denis to pick you up one." Right?---Yes.

And the reason you suggest that is because you know Denis Twomey has bought jugs for Mr Cresnar?---I don't know that.

20

Why on earth would you be suggesting it?---Well because why not?

You're suggesting it because you knew full well that Mr Cresnar was purchased jugs by Mr Twomey. Correct?---No.

And then when Mr Cresnar goes on to say, "I don't like jugs anymore," you say, "So now you're Honest John, that's why." Correct?---Yes.

30

And what you were doing there is implying that Mr Twomey had bought Mr Cresnar jugs for dishonest purposes previously. Correct?---I don't, I don't understand.

Well, you're suggesting to Mr Cresnar that he stopped liking jugs now because he's honest, right?---No.

Well, isn't it implicit in that that Mr Cresnar previously got jugs from Denis because he was dishonest?---No.

Why did you say it then?---I don't know. Can you pull it back up?

40

Certainly. Page 274. 274. Now if I can just draw your attention to about three-quarters of the way down the page of the transcript of the conversation you've just heard?---Ah hmm.

Do you see there in capital letters the words "Laughs"?---Yes.

You go, "Oh, my god, all right, honest John" and then Mr Cresnar says, "Thank you very much," you say, "Strangest nickname ever" and then if we go over the page Mr Cresnar says, "Yeah, my jug collection's very lacking at the minute," you say, "Really?" He says, "Yeah, I haven't bought a jug

in, in yonks.” You suggest to him Denis, “You should ask Denis to pick one up,” correct?---(No Audible Reply)

Ms Said?---Sorry?

Correct, you suggest to Mr Cresnar that he should ask Denis to pick up a jug for him?---Yeah, this is joking though.

10 Yeah, you’re joking, I appreciate that, but Mr Cresnar then says he doesn’t like jugs any more, right?---Yeah.

And you say, “So now you’re honest John, that’s why.”?---Okay.

So you’re drawing a connection there between Mr Cresnar not wanting any jugs anymore and Mr Cresnar being honest. Now, do you understand that? --- (No Audible Reply)

That’s the joke isn’t it?---Um - - -

20 That’s the joke you’re making with him?---I suppose.

Now it’s implicit in that, isn’t it, that previously Denis had bought jugs for Mr Cresnar for dishonest purposes?---I’m sorry.

It’s implicit in that isn’t it that Denis had bought Mr Cresnar jugs for dishonest purposes?---From this transcript?

Yes?---No.

30 Ms Said - - -?---I don’t think so.

- - - it’s obvious isn’t it?---It’s possible, yeah, but I don’t think that’s - - -

But what I’m getting at is why are you making this joke with Mr Cresnar? What’s funny about it to you?---Because it’s possible.

Yes. You knew full well that Mr Twomey had bought Mr Cresnar jugs for dishonest purposes, correct?---No.

40 And that’s why you find it funny in this conversation with Mr Cresnar, correct?---I didn’t know he bought him those jugs.

I’m sorry?---I didn’t know he bought him those jugs.

So why did you ask Mr Cresnar “Maybe you should Denis to pick you up one”?---Yeah, ‘cause it was a joke.

Ms Said, you know full well that Mr Twomey had purchased items including the jugs for Mr Cresnar on his credit card, correct?---No.

And you found it preposterous that Mr Cresnar would suggest his name was honest John because of that, correct?---I don't know. Possibly.

All right. Excuse me. Yes, nothing further, thank you, Commissioner.

10 ASSISTANT COMMISSIONER: Yes. Ms Said, it seems to me in some of your earlier evidence you've been less than frank with the Commission about Mr Cresnar's relationship with Murray Civil. Providing false or misleading evidence to the Commission is a serious offence punishable by up to five years. I'd like to give you an opportunity now, if you know anything at all about the relationship between Mr Cresnar, Murray Civil, Mr Twomey or Mr Murray that the Commission should know about to say so?
---Okay.

20 Is there anything you know about the relationship Mr Cresnar had with Murray Civil that you would like to tell the Commission?---Just that Denis and Phil are friends.

Yes. Is that the extent of your knowledge about their relationship?---Um, yeah. There may be some like jokes thrown around.

About?---About the jugs.

To what effect, that Denis may have bought them for him?---Yeah.

30 Who would joke about that?---Phil and Denis.

Phil?---And Denis.

Who are they?---Denis Twomey.

Oh, Denis Twomey - - -?---Yes.

- - - and Phil Cresnar?---Yes.

40 Oh, so they would joke about it in front of you?---Yes.

Anything else?---Something about jugs.

I beg your pardon?---Something – it was something about jugs.

Something about jugs?---Mmm.

Do you know anything else about other items that Mr Twomey or Mr Murray may have bought for Mr Cresnar?---No, not that I can remember.

Yes. Thank you. Does anyone wish to cross-examine this witness? Mr Sutton.

MR SUTTON: Thank you, Commissioner. Ms Said, my name is Sutton, S-u-t-t-o-n?---Mmm.

I am here representing Mr Cresnar's interest. Do you understand that?
---Yes.

10 Okay. You were asked about your understanding of Mr Cresnar's roles within Ausgrid. Do you remember being asked those questions fairly early on when you came into the witness box?---Yes.

I take it from your earlier answers that you have never yourself worked for Ausgrid?---No.

You have never seen any internal job descriptions of roles within Ausgrid?
---No.

20 Would it be fair to say that your understanding of the functions of contract inspector or contract cable laying roles or project planners are things or knowledge that you have just picked up in terms of general knowledge of being around these people?---I'm sorry, what was the question?

There have been terms that have been put to you that relate to the roles or role that Mr Cresnar had within Ausgrid?---Yes.

30 He's been referred to respectively, and I say this because you have indicated you have been reading things about this Commission, that you've heard him or read about him I suggest being called a contract inspector. Have you heard that?---Yeah.

It was also suggest to you today that he was a project planner. Do you recall that?---Yes.

Has anyone ever taken you through specifically what the roles and responsibilities of those positions are?---No.

40 And so the information or knowledge that you have about those roles and positions is simply what you've picked up as you've come along?---Yes.

Okay. For instance, it was suggested to you that Mr Cresnar had particular ability to influence contracts and influence who might receive work. Do you remember those questions being put to you?---Yes.

Do you know if that was in the realm of his responsibility of his position?
---Yes.

You do, you know that to be the case?---For – I’m sorry, can you repeat the, the question before that?

It was suggested by Counsel Assisting that Mr Cresnar had the ability, and this is the way I understood the question so if I’m putting it to you incorrectly Counsel Assisting will correct me?---Ah hmm.

That Mr Cresnar had the ability to choose which contractors did which work?---Yes.

10

Okay. Is that something you know his position had the authority to do or is that something you’ve gleaned along the way?---It was something I learned along the way.

Okay. Have you ever seen or read the roles of contract inspector?---No

Have you ever seen or read the roles of project planner?---No.

20

Do you know the limits of dollar value I refer to at this point, of the ability of a person said to have been a project planner or a contract inspector that - - -?---I’m sorry, I - - -

Just let me finish the question?---Okay.

Do you know if there are any dollar limits upon a contract inspector or a project planner that limits their authority to guide or direct work?---I don’t understand what you mean by dollar limits.

30

Okay. Well, a project might be worth \$10?---Ah hmm.

It might be worth \$100, might be worth 1,000, 10,000, 10,000,000. It’s normal I suggest, and you tell me if you don’t know this though, that certain people will be able to influence work or projects up to a certain dollar value. Do you understand that as a concept?---Right.

You do understand that?---Yeah.

40

Okay. I’m suggesting to you that certain positions within Ausgrid had the ability to influence certain contracts within a certain dollar limit. Do you understand that as a concept?---No, sorry.

Okay. All right.

ASSISTANT COMMISSIONER: Well, you understood that- - -

THE WITNESS: I’m sorry, I’m just a little bit- - -

ASSISTANT COMMISSIONER: - - -above a certain level a matter would have to go out to tender?---Yes.

Did you know what that limit was for Ausgrid?---Um, I think 200.

200,000?---Yes.

And it was your understanding that below that individual contract inspectors or project planners could choose contractors?---Yes.

10

MR SUTTON: Thank you, Commissioner. Now, if – sorry, I withdraw that. If a contract value fell within the limit that did not require it to go out to tender- - -?---Ah hmm.

- - -what is your understanding of how that contract will be allocated to a particular contractor?---I didn't, all I knew is it would come from the project officer who was in charge of the project and it would be emailed to us.

A project officer?---Yeah, so the contract inspector.

20

The contact inspector?---Would email it to us.

Are you aware if Ausgrid had guidelines that said you must accept the cheapest quote?---Sorry?

Are you aware of the guidelines of Ausgrid that said that they must accept the cheapest figure? So let me put it to you another way. There are a panel of contractors, yes?---Ah hmm.

30 And Murray Civil Works was one of those contractors, yes?---Yes.

My understanding, and you tell me if this is wrong- - -?---Ah hmm.

- - -on your understanding, is that if there was a contract with a value under the amount that required it to go out to tender- - -?---Ah hmm.

- - -then the contract, well, then a person who is supervising in that area can put work to the cheapest contractor who provides a quote for that work?
---Yes.

40

Okay. So if Murray Civil and ABC Contracting and XYZ Contracting want to put in for a particular piece of work- - -?---Ah hmm.

- - -it is likely – I withdraw that – the cheapest of Murray Civil or ABC or XYZ should be the person or the entity that gets the work. Is that your understanding?---Um, generally, but it could be a number of other factors.

Okay. I just, so generally, sorry, generally we're in agreement on that, aren't we?---Yes.

Okay. But as you say it can be that there could be specifics about the job, the experience of the contractor, the previous work of the contractor or other factors that say a particular contractor is a better contractor for that particular role, even if they weren't the cheapest. Is that right?---Yes.

Yes?---Yes.

10

And is it your understanding that if that is the case then that decision by the recommending Ausgrid officer has to be sent up the chain of command to be approved by a senior person within Ausgrid?---Yes.

You were asked some questions by Counsel Assisting and then the Commissioner followed up with a question, and I know the Commissioner will correct me if I get this out of context, but the Commissioner's question was something similar to you wanted to make your reports the same and the area of questions I'm referring to are about the compression reports that you were asking for?---Yes.

20

And you had said earlier in an answer to a question – sorry, and with regard to her Honour, sorry, the Commissioner's question you agreed and said that was correct but in an earlier answer to a similar question by Counsel Assisting you said that you wanted to get the report to show it to the suppliers to say why can't we get the same results?---Yeah.

Do you recall those?---Yeah, to compare it, yes.

30

Now those two answers appear somewhat to conflict with each other. Do you agree with that?---No, I'm sorry.

Okay. Well, on the one hand you're suggesting you wanted that material for the reason of showing a supplier and saying hey, we've used your product, we've – and I might have this wrong but this is what I take to understand - - -?---Ah hmm.

40

- - - we've used your product, we've used it in accordance with the guidelines or the instructions and we are outside the parameters that Ausgrid will accept whereas these guys have done the same thing and they're inside the parameters, is that what you were trying to say?---Yes.

Okay. The other side of the argument for want of a better term and what I understood the Commissioner to be putting to you was that you simply wanted to get a competitor's document to copy it and in effect pretend it was the MCW, sorry, Murray Civil Works' report?---Or copying.

Yeah?---For example are copying?

No, no. The import of the Commissioner's question was that you simply didn't really care about what was in the road, you just wanted a report to copy so that your one looked like it satisfied the necessary criteria?---Okay.

Did you want to simply copy, in other words fraudulently produce a report?
---No.

10 So of the two ends of that spectrum where do you say is the truth?---I
wanted to get a copy or an example to look at and give that to the suppliers
and to show David, it'd be like look, these guys have it, we don't, we need
to talk to the suppliers to see what they can do about that?---Thank you.

ASSISTANT COMMISSIONER: And the end result would be that you'd
make your report consistent with the report that was acceptable?---Yes.

That's what you wanted to achieve?---Yes.

20 MR SUTTON: But was that – I'm sorry, Commissioner. But was that by
simply copying the report or was it by getting the work that Murray Civil
Works had done up to standard so you could issue a genuine report?
---Up to standards.

Right. Thank you. Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you, Mr Sutton. Mr Gartelmann,
are you going – we should tender the text messages and the TI transcript - -
-

30 MR GARTELMANN: Yes.

ASSISTANT COMMISSIONER: - - - that's been shown to the witness.

MR GARTELMANN: Yes. There are three SMS messages which can
probably simply be tendered by way of the document if that's convenient.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 17.

40 **#EXHIBIT 17 – SMS MESSAGES EXCHANGED BETWEEN
ADISTY SAID AND PHILLIP CRESNAR**

MR GARTELMANN: There are a number of recordings for which the CDs
will need to be tendered. The first one relates to session 215, the next
relates to session 376, the next one is 417 and the last one is 508.

ASSISTANT COMMISSIONER: Yes. Well, they'll be marked exhibit 18.

**#EXHIBIT 18 - TELEPHONE INTERCEPTS OF CONVERSATIONS
BETWEEN ADISTY SAID AND PHILLIP CRESNAR - SESSION 215,
SESSION 376, SESSION 417, SESSION 508**

ASSISTANT COMMISSIONER: Mr Carroll, do you wish to ask any questions?

MR CARROLL: No, Assistant Commissioner.

10

ASSISTANT COMMISSIONER: Thank you.

MR GARTELMANN: There's one area in re-examination. Ms Said, you've been asked some questions regarding the roles of particular Ausgrid officers within Contract Cable Laying. Do you recall those questions? ---Um, can you refresh what was asked.

You've just been asked some questions by Mr Sutton about - - -?---Oh, yeah, those questions, yeah.

20

- - - the roles of particular Ausgrid officers within the Contract Cable Laying section?---Yes.

And the terms project planner and contract inspector have been mentioned. Do you understand that?---Yes.

Have you heard the term contract initiator as well?---No.

30

All right. In your experience when you were - I'll withdraw that. During your experience at Murray Civil Works has the one and the same Ausgrid officer dealt with both allocation of contracts and inspection of works on that contract?---I'm sorry, I don't know what you mean.

Well, you understand - - -?---Like did they do the same - - -

Can it be the one and the same person who both - - -?---Yes.

All right. And in your experience at Murray Civil Works was that person from time to time Mr Cresnar?---Yes.

40

The person who does the inspection of the works may sometimes approve what are known as variations to the contract?---Yes.

And would you agree with me that variations to contracts are common? ---Ah, yes.

Most jobs have variations?---Yes.

Sometimes you might get a number of variations on each job?---Yes.

And where Mr Cresnar was the person with responsibility for a particular job that Murray Civil was doing for Ausgrid, he'd be the person who would be responsible for submitting – for approving I should say variations?---Yes.

10 And in your job at Murray Civil were you responsible for submitting claims for payments for variations – I'll withdraw that. In your job at Murray Civil were you responsible for submitting applications for variations?---Um, every once in a while. It would depend on whether or not David had time to do it.

All right. So on occasion you submitted the applications for variations?
---Yes.

And you would submit them to Mr Cresnar where he was the Ausgrid officer with responsibility for the particular job?---Yes.

20 Did Mr Cresnar ever help you with any information you might need to put together an application for a variation?---Not that I can remember, no.

All right. Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Well, that concludes your evidence today and you are now excused. You may step down?---Thank you.

Thank you.

30 **THE WITNESS EXCUSED** **[3.38pm]**

MR GARTELMANN: I think that concludes the evidence that we have available to present today, Commissioner.

ASSISTANT COMMISSIONER: Yes. And I take it because it's been put on the public record that there was possibly a security issue I suppose we should put on the record that that has been resolved at this time.

40 MR GARTELMANN: Yes. That's correct, Commissioner, to my understanding.

ASSISTANT COMMISSIONER: Yes. Well, that concludes the evidence we have available today. We will adjourn until 10 o'clock tomorrow.

AT 3.39PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.39PM]