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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

Reference: Operation E15/0978

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 2 SEPTEMBER, 2016

AT 2.00PM

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: Yes, Mr Mack.

MR MACK: Commissioner, just one small matter of housekeeping. Before when I tendered the exhibits in relation to Mr Abbas, I said that the ninth call that I played was called 5546 from 23 December, that's incorrect. The nine call that I played was 6942 and it's from 23 December so that will -
- -

10 ASSISTANT COMMISSIONER: Thank you. Amendment can be made for the transcript, thank you.

MR MACK: Commissioner, I call Ibrahim Beydoun.

ASSISTANT COMMISSIONER: Mr Beydoun, will you take an oath or an affirmation?

MR BEYDOUN: Yes.

20 ASSISTANT COMMISSIONER: An oath or an affirmation, which one do you take?

MR BEYDOUN: Ah, the Koran.

ASSISTANT COMMISSIONER: The Koran. Thank you.

<IBRAHIM BEYDOUN, sworn

[2.03pm]

30 ASSISTANT COMMISSIONER: Thank you, just take a seat there?--- Thank you.

And you're still appearing for him by leave? Yes.

MR CHAHINE: I am, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Mack. Before you begin have you discussed with him making an order under section 38?

40 MR CHAHINE: I have.

ASSISTANT COMMISSIONER: And does he want one made?

MR CHAHINE: Yes.

ASSISTANT COMMISSIONER: All right. And pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all

answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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

20 ASSISTANT COMMISSIONER: Mr Beydoun, that gives you the protection but it does not protect you if you were to tell lies on oath, okay?
---Of course.

Thank you. Yes, Mr Mack.

MR MACK: Mr Beydoun, do you own a company known as Geta Skip?
---Yes.

30 And do you own that in 50 per cent share with Abdul Dbouk?---Yes. It's, it's 35 per cent share for me, yeah.

Who has got the 35 per cent share?---Sorry?

Have you got the 35 per cent share?---Yeah.

And he's got - - -?---Yeah, shareholder.

- - - 65?---Yes. When, when we start to be, when we start - - -

40 It was 50/50?--- - - - yeah, we start it's like 50 per cent each but he get like - spent more money than me so we split that - - -

Okay. All right.--- - - - and a solicitor - - -

And are you both directors of that company?---Yes.

Okay. And did Geta Skip rent a property at 763-765 - sorry, just get me the address - in Horsley Park?---That's before.

What was the name of the road?---It's, Horsley Park I forgot the – we did not spend much time there.

Is it Wallgrove - - -?---Wallgrove Road.

763 Wallgrove - - -?---Yeah, Wallgrove Road, yeah.

- - - Road, Horsley Park?---Yeah.

10

And are you familiar with the property at 30 Bellfield Avenue, Rossmore?
---Yeah. When, when we try to rent that place there but it doesn't, doesn't work.

Okay. Do you know Mr Nick Kolovos?---He's the landlord of that Rossmore.

20

Can you recall when you first tried to lease the place from 30 Bellfield, Rossmore?---What – yeah, we try to rent it out but under – we're going to do like – we try to do a DA to move in.

DA. All right. All right.---So - - -

Do you know, do you know Nosir Kabite?---Nosir, yeah.

You know Nosir?---Yeah.

30

And what business did Geta Skip run at 763 Wallgrove Road?---It's a skip bin company like recycling, recycling bins and we, you know, after sorting we take it to the tip. Whatever left we tip it in (not transcribable) or Revesby or - - -

Were you, were you told to leave that - - -?---Yeah.

- - -location?---Yeah, yeah.

And is that when you started looking for - - -?---For other place, yeah.

40

- - - another place?---Yeah.

Sorry, Commissioner, there's just a tapping noise that's very distracting above me. I'll try and persevere but if it's distracting to others we might need to seek an adjournment.

ASSISTANT COMMISSIONER: It might be your brain working overtime, Mr Mack.

MR MACK: Not that close to the microphone, Commissioner. Can you recall inspecting the place at 30 Bellfield, Rossmore?---What - - -

Did you go out and have a look at the property at 30 Bellfield?---Yeah, of course, yeah.

And who was there when you had a look at the place?---Yeah, we, we accepted but we, we try to, to move there but - - -

10 Because you wanted to lease a shed at Rossmore - - -?---Yeah.

- - - to run your Geta Skip business out of?---Yeah, yeah. So we don't have - we can't do the DA.

You need - so you needed a DA?---Yeah, of course, yeah.

And did you apply for a DA?---We apply for that, yeah.

20 All right. Did somebody offer to assist you in applying for the DA?---Well, we apply for DA but it was the zone doesn't, doesn't match with that business.

Did you pay any money to anybody to assist with the DA at Rossmore?
---We have, we have like Nosir. He said he going to help us to push because we don't have much time to, to do that, long distance to do the DA and stuff. We need somebody to push our file and he said he have somebody to help us and we gave him \$40,000 for that, yeah.

30 You gave \$40,000 to Nosir?---For Nosir, yeah.

And did you make that in one payment?---Yeah, yeah.

Was it one payment or a few payments?---Just, yeah, one payment, yeah.

It wasn't one payment of \$10,000 and then another payment later?---It's, it's not, it's only like one payment for, for that things, yeah.

40 Yes. But in terms of increments, do you know what I mean by increments?
---(No Audible Reply)

Did you pay - if there was total of \$40,000 - - -?---Yeah.

- - - did you pay \$10,000 one time and then \$30,000 another time to make \$40,000 or did you pay \$40,000 all at once?---No. Pay like at once, yeah.

Are you sure about that?---It's the only time - a few times between - we pay 10,000 first then we pay the other 30.

All right. So - - -?---It's only like not, not long time between.

Why did you only pay 10,000 first?---Because, because we don't have the money, that's why, we don't have all the amount.

And how did you finance \$40,000?---We get personal loan for that.

And do you know who Nosir's friend was who was going to help with your application?---No, no.

10

Did you ever speak to Nosir's friend on the phone?---No, no.

Do you know somebody by the name of Craig Izzard?---No, I don't. I hear about today about the name.

Can you recall somebody from Council coming out to your place at Horsley Park?---The, the Council they come to, to give out the notice to me. It's, what's it called, which Council - - -

20

It's okay. I'll take you, I'm going to take you to some documents now because it's important that the Commissioner gets, the Commission gets some dates correct so - - -?---Yeah.

- - - it might refresh your memory about when dates happen?---I can't, I can't give dates exactly because it's - - -

All right?---Like - I can tell you what's happening but I don't remember the dates.

30

Okay?---(not transcribable) no.

Well I'm going to show you some documents - - -?---Yeah, that's all right.

- - - and it might refresh - - -?---Yeah, yeah, yeah.

- - - when dates come?---It's all right, yeah.

Okay. So I'm going to show you a document at volume 13, page 11. Volume 13, page 12, my apologies. So you see this document?---(No Audible Reply)

40

Sorry, Mr Beydoun, I should ask, I don't need to embarrass you but you can read English perfectly fine?---Ah, not 100 per cent, no.

Not a 100 per cent, okay?---But okay.

Well I - - -?---Yeah. That's, that's the Fairfield Council they send us a notice, yeah.

Okay. Well this is a file note from somebody with the Council. So they've gone back to Council and written a note about what happened when they went out to your place. Do you understand?---Yeah, yeah. Yeah.

10 Okay. So this is 24 September, 2015 and the person that wrote this note said that on 23 September they went out to your place and they were unaware that they had no authority to operate your business there. A few weeks ago the managing agent attended the property and told you that you were not allowed to be there and they had to vacate the premises. As a result they had located another property at Rossmore and were in the process of moving to that location?---Yes.

So that's in September, 2015?---I not remember the days but that's what's happened.

20 All right. So you – is it fair to say that you knew about the property at Rossmore from around September, 2015?---Yeah, yeah, you can say that, yeah, yeah.

And can you recall how you first found out about the place at Rossmore?---We, we find, we try to, to go to the internet and that agent he, he find the same agent was for looking after Horsley Park - - -

Yes?---He, he, he show us that place there. They show us.

Do you know somebody by the name of Wanda?---Yeah.

30 Is that the agent?---She's the agent, yeah.

She's the agent, okay?---Yeah.

And how long have you known Nosir for?---It's like after we started the business, like a few months.

Okay. So when did you start the business, was that in 2015?---Yeah. We start to run the business in August, 2015.

40 So you would've met Nosir around about - - -?---A few months after, yes. I told that it's like my cousin, my cousin he visit me to (not transcribable) for the business and he bring Nosir with him to introduce us maybe just to, like normal.

Okay. I want you to tell the Commission what Nosir said to you about the DA for Rossmore. I want you to think about the first time you discussed the DA for Rossmore.---Yeah.

And tell the Commission what conversation - - ----He said I know, I know somebody in the council. They push the file for us. Because it was, like I said, a short distance to live, Horsley Park, and we don't have time to wait for, like, few months to get the DA done. And he said he know somebody to push the file for us inside. So that's all.

Okay. I'm going to take you to the development application now and ask you a few questions about the development application that was submitted. ---Yeah.

10

And you can find the development application at volume 8, page 67.---We do three lots, three times.

Three lots, all right.---Yeah.

20

Well, before I show you the document, do you want to tell me the different lots of application? Just as best you can remember.---We do three lots. They don't accept. Always they say to us it's like, it's the area, the zone doesn't match. The twice time. Then, then we done the lodge for it, they refuse after as well, the third time.

All right.---So then we give up.

Okay.---So we can't do anything.

So can you recall the reason they rejected the first time?---It's, it's about, about the, the, how we're going to, like, what, what we're going to use the words for, for that.

30

Okay.---For the business.

The words. All right.---Yeah.

And the second time?---Same.

The second time, did you fill out a new application or did you just - - -?
---No, we fill out the new one.

40

Fresh application? Okay.---Yeah, yeah.

And the same reason was given the second time?---Second one.

Because you didn't use the right words?---Yeah, they, we not understand what we're going to say, what we're going to do to match the area there. So I say it's totally, all the, the area doesn't match any type of business like this.

And then the third time, did you fill out a new application again? Or did you - - -?---We use the same one. Well, we used maybe the first page. We

redoing it. Then they took it and they refused. They sent us, like, a paper from the council, refuse the application. Then we give up after that.

So they - - -?---Then we start look to the other place.

Okay. So you only recall, well, how many letters did the council send you saying they refuse it?---Maybe, maybe twice. I'm not remember.

Okay.---I'm not remember exactly.

10

On the first time that it was refused, how did you find out about that? Was that, like - - -?---The first time, they don't do lodge at all. They, they - - -

They wouldn't accept it at all?---No, no. They won't accept it.

Can you recall whether the first time was before Christmas or after Christmas? Or before, did you go to Lebanon around that time?---No, no. I went to Lebanon after. Not 2015, 2016.

20

2016?---Yeah.

Early 2016?---Yeah, I left around in May or June.

Okay. All right.---Yeah.

So can you recall the first time, when they wouldn't even accept it, was that before Christmas?---To be honest, I'm not remember exactly.

30

Can you recall what – how long after the first time they rejected the second one?---It's only few weeks.

Only a few weeks?---Yeah.

And then the final and third one, how long after the second one was the third one?---The same. We don't, we don't make, like, we do it straightaway. Then after two weeks they send the paper for us. They reject it. And then we start looking for the other place.

40

Your business partner, Abdul, did he have any role in filling out the development application?---Yeah, we do it together.

Together.---Yeah. We do it together, yeah.

I'm going to show you volume 8, page 67 now. Do you recognise this document?---Yeah, I think that's the one we done, yeah.

Okay.---Yeah.

See how where it says description of proposal there's three lines and what I think is three different types of handwriting. There's blue pen with a strike through and then there's a black pen that says rural suppliers and then there's – somebody else has written skip bins.---Yes.

Do you see that?---Yeah, I see that but it doesn't, it doesn't make any, anything for me. It's like - - -

10 All right. It's not - - -?--- - - - that's all, all we need, we fill up and we – it's - - -

Can you recognise your handwriting?---No, I didn't write anything. Not me, no.

Do you know whose handwriting it is?---Because my English writing is very bad.

Okay.---That's why.

20 See how skip bin operation and disposal of waste is struck through on the screen, can you see that, see the words, on the first line there it says - - -? ---Yeah.

- - - skip bin operation or disposal of waste and there's a strike through? ---Yeah.

30 Can you recall whether or not that was on the first application?---Because I'm confusing between, between the, the three application how we're going to change the words here. It's – whatever we change the words here it's going to be like, it's going to be same, same like result at the end.

All right.---It doesn't work.

Can you – do you recognise this as – you said three applications, is this the first application, the second application or the third application?---No, I not remember, no.

All right.---I'm not sure, no.

40 All right.---If I know that going to happen I will, I will, I will try to – it's like it's –

Do you recall receiving a call from Nick Kolovos - - -?---Yeah.

- - - after somebody from the council came to his place?---Yeah, he said something like that, yeah, yeah.

This is – I'll take you to what Nick said happened.---Yeah.

Nick has given evidence earlier in the week - - -.---Yeah, because - - -

Mr Kolovos has.---Because what's happened, it was another company there. It's a skip bin company there.

Yeah.---I think, I think the council come to see them as well, what's, what's going on there. I think that's what, what Nick said. I'm not sure what.

10 All right. Well, if you go to transcript from earlier in the week at 528 on 31 August. 528. And you will see at about line, you'll see a 10 on the left-hand side - - -.---Yeah.

- - - of this page.---Yeah.

And then it says Assistant Commissioner and then this is what Mr Kolovos says. He says, "I think I rang or Mr Abdul came to the property and I told him I had a visit of Mr Izzard and Eric. They did not tell me direct he was helping them to get the lease through the council." So he says that these
20 two people called Mr Izzard and Eric came to the property and then he spoke to Mr Abdul and I think later in his evidence he said it might have been you that he spoke to.---Me?

Yeah. Can you recall ever having a conversation with Mr Kolovos about officers coming to - - -?---He said for us that somebody come to his place but we didn't, we didn't talk about that. It's, it's like, it's something, something it's about him, not about us so we have nothing to do with council there or whatever, whatever they said to him, whatever they talk to him. We are not sure what's going on there.

30 Okay.---So when he talk with Abdul, my partner, maybe Abdul didn't think it was - it's like (not transcribable) normal things. Nothing - - -

Do you recall paying an architect or a surveyor to do a report in relation to Rossmore?---Rossmore? Yeah, we send a surveyor and we done, like, a normal plan for everything. We done everything.

All right. I'm going to show you a document at volume 8, page 87, and this is a report of a planning, architecture and engineering firm.---Yeah.

40 Called Premium Design and Engineering.---Yeah.

Do you recall paying them money?---Yeah, we paid them money.

How much did you pay them?---\$3,500.

\$3,500.---For the architect. And then the surveyor took some money as well, different.

And who arranged - - -?---They work together, anyway, the architect and the surveyor.

And was this in addition to the \$40,000 that you paid - - -?---No, no, no. That's different.

Different. Different.---No, no, no. That's what we done to (not transcribable), to done the DA.

10

Okay.---We done the normal everything, like, legally and we lodge it in the council. But it doesn't work finally.

Okay. Did you get an invoice from Premium Design and Engineering for the reports they did?---Yeah, we can give you the invoices for that.

Did you get an invoice from Nosir?---No, no.

Did you ask for one?---No.

20

Why not?---Why would I ask him? It's - - -

Did you know that it wasn't, what Nosir was doing wasn't legal?---It's, it's, what we going to do? It's only, like, what we believe. We can push the file only. But all the paperwork is legally. We sent everything legally. But we need to push the file, to push the file only. That's, because we don't have time.

30

But you thought that that money you paid to Nosir was going to go to somebody to push your application?---Yeah, that's, that's – normally that's what we think, yeah.

And the person who was pushing the application, what would have they – would have that payment been above board or would have they put it in their own pocket?---I'm not sure. I'm not sure. I gave him the money and I don't know what he do with. Just all I need, I need, because before they, they kick us, they kick out, our business out. We need to do something because we spent all our money to do that business. We can't, like, get broken down in the first few months.

40

Okay. That payment that you made to Nosir, did you ever refer to that as a cup of coffee?---What?

A cup of coffee. Do you know what I mean when I say a cup of coffee?---No, no - - -

All right. When someone uses the term cup of coffee, do you understand that as a payment to somebody?---No. I'm not sure. Maybe.

Not sure.---Maybe. Maybe he mean that, yeah, when we talk about. Maybe, yeah. But what we believe, we believe we can adjust or we can push our file. I don't know what they do. Push our file to get the DA.

Did you ever refer to the payment, instead of saying a payment, did you refer to it as a cup of coffee, as code?---Maybe. Maybe I said that before, yeah, yeah.

10 Okay. Thank you. All right.---We need, we need a coffee or something. I'm, yeah, maybe.

And you said after you tried the third time to lodge your application you gave up?---Yeah.

Do you recall how long ago you gave up?---No, that's it. We cut off everything. I stopped after that, call him. I want my money back. You know, it's, like, I want my money back because they can't do nothing.

20 Have you got your money back?---No, no.

All right. I'm going to play you a few telephone calls now?---Yeah, that's all right, yeah.

And just so we can get some dates - - -?---Yeah, that's all right, yeah.

- - - right and understand - - -?---Yeah.

- - - what happened. The first call I'm going to play you is from 20
30 November and it's call 1327. Sorry, I won't play you that call because it's not – I'll play you, I'll start again. I'll play you call 1751 from 23 November.

AUDIO RECORDING PLAYED

[2.31pm]

MR MACK: Do you recall Nosir coming passed your place with the papers sometime after that phone call?---Yeah. But he doesn't do nothing with the paper, the same ones.

40

Okay. Were they blank when they came to your place? Were the papers blank?---What's blank?

Did they have nothing on them, were they - - -?---No, no, nothing, nothing.

Nothing on them?--- Nothing at all.

So he came to your place and did you start filling it out when he came to your place?---Yeah, yeah.

When Nosir was there?---Yeah. Because he going to, he going to get the, the, he doesn't which application we're going to fill.

So he bought more than one?---No, no, no. He get one, you know, he said, "That's the one it should be," yeah.

10 I'll play you another phone call. This is from December now, on 7 December, phone call 4110?---Yeah.

AUDIO RECORDING PLAYED

[2.33pm]

MR MACK: So that phone call relates to – there's a few people mentioned there. There was Frank, who's Frank?---I don't know who's Frank. They build it up there. He come to, to (not transcribable) the other people there.

20

Have you ever met Frank?---No, no.

And the other people, do you know who the other people were?---They call it Cobra company, yeah, yeah.

And you said, at page 1, you said, "Mate, those ones today I think is the last today. They had packed up. Are they leaving today? They have finished, I think."---Yeah, because we're going to start moving.

30 How did you know that they'd finished?---The landlord said to us that.

And did you think that Nosir had some control over Frank or some influence?---I'm not sure. To be honest, I'm not sure.

Did you think that at the time, though?---Maybe. Maybe. Maybe. I'm not sure. That's all (not transcribable) that people there want to move out. How, and they get a problem with their landlord anyway. And we're going to move in because we don't have time.

40 All right. Well, at page 2 it says you say, "Now the papers, the papers are not the problem. The papers, you know the papers? We are going through the whole process, you know what I mean? We don't have a problem. We sent the surveyor and we are going ahead, you know what I mean? But now if we go, will Frank come and stop us? That's what we need to know." And then Nosir says, "Give me till about 10 o'clock so I can speak with our friend, and then I'll talk to you."---Yeah.

Who was, do you know who Nosir's friend was?---I don't know. Maybe he's the one he want to push our file. It's nothing hard. It's everything, like, (not transcribable).

So you were that Nosir had a friend who could influence Frank as well as push your application?---I'm not sure what, what he know, what he doesn't know. That's all, all our, it's our paperwork. (not transcribable) the map, all the, and the DA paperwork. That's what, that's what we're going to do. And then the surveyor, the surveyor he's already going there. And that's
10 what I said to him. Because until we do lodging for the, lodge for our file -
- -

All right.--- - - - just we want to know if we can move in or not.

All right.---Or not.

I'm going to play you another phone call from 7 December.---Yeah, that's all right.

20 There's a few from – there's not, I'm not trying to trip you up or call you a liar or anything here. I'm just trying to get what happened - - .---Yeah, it's all right.

- - - out of you. So there's a few phone calls from 7 December and there's a few more from early in the next year.---Yeah, sure.

So this is phone call 4-1-8-4.

30 **AUDIO RECORDING PLAYS** **[2.37pm]**

MR MACK: And do you accept that this is you saying to Nosir again that you want somebody to stop Frank coming if you move in?---Yeah, because Frank always come to the other people there because they don't, they, they want to, they kick him out, kick him out as well. So the question is, if we're going to go there, is Frank going to come kick out as well? So that's - - -

40 Did Nosir - - -?---That's a normal, normal things, yeah.

Did Nosir ever say anything to you about having the ability to stop Frank from coming, and I want you to think back, with all the conversations you've had with Nosir did he say that he might be able to stop Frank coming?---Well, well, he said, he said when, when we lodge the, the application it's if he come, if that man coming so he can't do anything because we, we processing the, the application. But the application doesn't get through so everything – we was confusing how we going to move in.

That's, that's the, that's the main thing. So finally we do move in.
Everything going like - - -

All right. I'm going to play you one more phone call from - - -.---Yeah.

- - - 7 December.---No problem.

It's phone call 4-2-1-8.

10

AUDIO RECORDING PLAYED

[2.41pm]

MR MACK: There are a few questions I want to ask you about this conversation?---Yeah, yeah.

The first relates to when you say "Coffee, cup of coffee", what's that mean?--That's, that's what he mean. You know all the money.

20 The money?---Yeah.

And was that Nosir's code that he told you to use on the phone?---That's, that's the first time. Did you hear what he said to me, don't say about – so don't count any, any, any numbers, say coffee. That's what is.

Did he say that to you before the phone conversation?---Yeah. Did you hear that, we heard (not transcribable).

30 I did hear it. I'm trying to establish with you - - -Yeah.

- - - whether or not that was a code you agreed on before the conversation?--No, no, no.

Okay?---Because if, if we agreed that before the conversation we don't, we don't say numbers.

40 At page 5 about halfway down, Nosir says, "But what, what can I do for you? (not transcribable) I'm trying my best for you until now. I didn't get a cent in my pocket from your issue." Was it your understanding that Nosir was making money on the way through?---Yeah, of course he going make money.

All right. Did you discuss with him how much he was going to make and how much he was going to give to the person to push?---No, no, no, no, no. That's not our question before that. Our things, we're going, we're going to finish from Horsley Park to move somewhere else to start our business properly.

And why did you pay \$10,000 before you put the application in?---Well that's what he asked for.

So at this time, 7 December, you haven't put the application in, is that correct?---Well I'm not sure when I put the application. I don't have the -- the don't remember the dates. That's what, what I said, we done it three time and I not remember the dates when exactly it happened.

10 But listening to that telephone call now do you think that you'd tried to put the application in at the time of that - - -?---Yeah, yeah, absolutely, yeah, yeah.

But it's been - - -?---That's what he tell us to do. Put the application until, the man, he going to push to, to like something you know.

He's saying that you haven't put the application in and you should put the application in.---Yeah, yeah, yeah.

20 Is that the application for the second time or the first time or - - -?---I think, I think this is for the last time I think.

Okay.---I think.

I'm going to play you a phone call now from a couple of weeks after 7 December. This is getting quite close to Christmas.---Yeah.

On 21 December, 2105. This is call 6-5-7-8.

30 **AUDIO RECORDING PLAYED** **[2.51pm]**

MR MACK: Do you recall where you were when you made that phone call or when that phone call was made to you, do you recall where you were, what building you were in?---What - - -

What building.---We was in the, in the council, yeah.

40 You were in the council?---Yeah.

So you called Nosir from the council letting Nosir know that you're putting an application in?---Yeah, yeah.

And was that the first time you'd been to council with the application? ---Well, I'm not remember. It's like -- it's three time. If, if I know that going to happen I would get you all the information by myself but it's three time going there.

I understand.---Yeah, and that I'm not remember when – which, which time that were.

I'll play you one more phone call from the same day.---Yeah.

It's 21 December, phone call 6-5-8-1.

AUDIO RECORDING PLAYED

[2.53pm]

10

MR MACK: Did you ever take the application to Nosir's place?---Not Nosir place. Our, our yard.

Oh, you went back to your place?---I never go to Nosir place.

Okay.---It's our yard, yeah.

20 Okay. And did you actually give the application to the council at that time and they took it? Or did you - - -?---No, they, I think that we took it because they don't want us to lodge it because they don't want us to spend money. To spend money there, they said it's, the zone doesn't work. So that's it. We went back.

So did you speak to anybody at council. It says Tony in that transcript. Did you speak to somebody at council called Tony?---Yeah, it was, he's a worker there and he give us a favour, "Don't lodge that because the area is not, not zone (not transcribable)."

30 Okay.---He was only man that talk to us, yeah.

Was he the man at the front desk or something like that?---No, it was at the back, upstairs or something. It's, because from the, the counter, they call him to come down to tell us. When we're going to lodge the application, they only take it to him.

Okay. So what happened - - -?---To accept it or not.

40 What happened when you went to the counter and spoke to the first person? ---They're just ladies.

Yeah.---They call him and he come down to tell us, "I give you a favour. Don't lodge that because the area not zoned for that."

Did Nosir tell you that might be what happens when you arrive at the council?---Yeah, we (not transcribable) we're going to, we're going to do it again, and our friend he cover us.

Did you expect to meet Nosir's friend at the council on that day?---No, I'm not sure. I'm not sure. Because what, what's between Nosir and this friend, we doesn't know nothing about it.

Okay. I'll play you one last call from 21 September. This is call 6-6-3-9.
---Yeah.

AUDIO RECORDING PLAYED **[2.57pm]**

10

MR MACK: This is in relation to getting a surveyor or an architect. I presume at the time of that phone call you didn't have the report from a surveyor or an architect. Is that correct?---Yeah, he was, I think he was done the job and he didn't get the report yet or something, yeah. I'm not remember exactly. But it's, you can, you can hear the call. It's, like - - -

I'm going to play you a call from 23 December, 2015. Call 6-9-2-5. My apologies, Commissioner. Perhaps if we took a short adjournment,
20 Commissioner just to sort these out because there might be a couple more issues. I just want to make sure that everything is in order for the next hour.

ASSISTANT COMMISSIONER: I'll just adjourn for five minutes then.

MR MACK: Thank you, Commissioner.

SHORT ADJOURNMENT **[3.03pm]**

30

ASSISTANT COMMISSIONER: You're still on the same oath, Mr Beydoun. Thank you.

MR MACK: Commissioner, I'm grateful for the adjournment. I think the technical problems have been sorted. I now wish to play call 6-9-2-5 from 23 December, 2015 at 12 past 10.00. Commissioner, I might have to come back to 6-9-2-5. I don't want to delay the Commission any further but I'll proceed to 6-9-4-6 which is from 23 December also but this is a little bit
40 later than 6-9-2-5.

AUDIO RECORDING PLAYED **[3.14pm]**

MR MACK: Do you know who Pedro is?---No.

The next telephone call I have isn't until a month later from 21 January. So there's – the last phone call was the discussion in relation to Pedro on 23

December, Christmas/New Year, 21 January. Can you recall in your mind what happened between - around Christmas and later in January in terms of your application?---Me I not remember exactly what's happening. Maybe. You can ask me. Ask me.

Can you recall going back to work after Christmas and New Year?---Yeah. We keep, we keep on that, on that day we was in Horsley Park, still in Horsley Park working only normal. And - - -

10 All right. Well I'll play you a call from 21 January, 2016. It might refresh your memory. This is call 11389.

AUDIO RECORDING PLAYED

[3.19pm]

MR MACK: So it's fair to say, Mr Beydoun, that around about this time, 21 January, you were getting increasingly worried and frustrated about not having any action in relation to the money you paid for your DA. Is that a
20 fair statement? You were frustrated?---No, yeah, that seven thousand they are asking for, they were going to borrow from us. And just I told them we don't have money for that, so - - -

So he asked you for further money?---Yeah.

That was going to be a loan?---Which?

The seven thousand you just mentioned.---No, they only ask me for.

30 They've only asked you for, yeah.---They want to borrow. He need some money.

Yeah.---To (not transcribable) and I told him I don't have, have that - - -

But you'd already paid him the \$40,000 at this stage?---Yeah, yeah. Maybe, yeah, but I'm (not transcribable) before.

Okay.---I'm not sure. But, you know, when we build the business and we don't have extra money. Always we're going to buy stuff and specially that,
40 what I said, in Horsley Park, we build the shed and we spend lots of money there. Then they all gone because we leaving, we left already.

The next call I want to play you is from 25 January, 2016 and it's 1-2-0-5-5. It's just a short call.

AUDIO RECORDING PLAYED

[3.25pm]

MR MACK: Can you recall – you mention there looking for a new place. Did you start looking for a new place around this time?---After Rossmore?

Yes. After that phone call - - -?---Yeah.

- - - did you start looking around January for a new place?---Yeah, we've been – we start looking for, for a new place, yeah.

10 But you still wanted to try and get the place at Rossmore?---No. When, when we get refused the DAs, the DA and we don't have a chance to do it we're going to start look for other place.

Okay.---Then we find in Smithfield, Smithfield there.

Do you recall when you started looking for the other place?---I'm not sure when. When we get the last refuse we start.

When you got last refused?---Yeah.

20

Okay.---Yeah.

But you hadn't been last refused at that time of the call had you?---Sorry?

You hadn't been refused at the time of that phone call had you, 25 January? ---I'm not sure.

You're not sure. Okay.---I'm not sure when.

30 All right.---That's, that's the main confusing.

Okay.---You ask me question I'm not sure before or after.

All right.---That's the main confusion for me.

I'll try and make it a bit simpler for you. That phone call was from 25 January. I'm building up until a date in 4 February. So there's going to be a couple more calls between 25 January and 4 February but once we get to 4 February it might all become a bit clearer to you but it's important that I
40 take you through each day. Okay?---Okay. It's all right.

The next call is on 27 January, 2016 and it's call 1-2-4-5-7.

AUDIO RECORDING PLAYED

[3.28pm]

MR MACK: Do you accept that's you on the phone call?---Yes.

Yes?---Yeah.

All right. I'm going to play you another call now from 27 January, 2016. This is 12457. Sorry, I'll withdraw that. This call is from 2 February, 2016, and it's call 13502.

10 **AUDIO RECORDING PLAYED** **[3.31pm]**

MR MACK: That's you in the phone call?---Yeah.

All right. There's one more phone call before I get to 4 February?---Yes, all right.

This is from 3 February and it's 13731.

20 **AUDIO RECORDING PLAYED** **[3.33pm]**

MR MACK: And that's you and Nosir speaking in that phone conversation?---Yes, yeah.

Yes, all right. Well there's a series of calls I'm going to play from 4 February now?---Yeah.

30 And I'll ask you a few questions in relation to the calls after they've all been played. The first call is call 13773.

AUDIO RECORDING PLAYED **[3.34pm]**

MR MACK: That's you and Nosir chatting?---Yeah.

40 Yeah. The next call is from the same afternoon on 4 February, 2016 and it's called 1-3-8-4-4.

AUDIO RECORDING PLAYED **[3.41pm]**

MR MACK: That's you and Nosir?---Nosir, yeah.

I'll play call 1-3-8-4-6 from the same day, 4 February.

AUDIO RECORDING PLAYED

[3.42pm]

MR MACK: Did you hear a voice in English at the very start of that phone call?---Yeah, I hear that, yeah.

Did you recognise that voice?---No.

10 No. Okay. But the other two voices were yours and Nosir's?---Yeah, yeah.

Okay. The next call is 1-3-8-4-7 on the same date.

AUDIO RECORDING PLAYED

[3.43pm]

MR MACK: That's you and Nosir again?---Nosir, yeah.

20 All right. The next call is from 2.42 on the 4th of the 2nd and it's call 1-3-8-4-8.

AUDIO RECORDING PLAYED

[3.45pm]

MR MACK: You and Nosir again?---Nosir, yeah.

30 Okay. The next call is 13851 from 4 February at 14.45. It's 10 pages long, it will take a few minutes. And listen and see if you can identify other voices besides your own?---Yeah.

AUDIO RECORDING PLAYED

[3.46pm]

MR MACK: There were at least four voices in there. One of them was Nosir's. Is that correct?---Yes.

40 One of them was yours?---Yeah.

Was one of them - the female voice was that your daughter?---That's my, my partner daughter.

Your partner's daughter.---She's a – she work in the office there.

All right. And the other male who is transcribed as Craig, did you recognise his voice?---I don't know him.

You don't know him.---I don't know him. How can I recognise his voice.

Is that who you - - -?---Maybe, maybe, maybe he's friend, (not transcribable) friends, because after, after all that situation how I want to trust he contact somebody else to help us.

10 Did you think that the other person, the other male that wasn't Nosir, did you think that was the person who was meant to push your application?
---I'm not sure. Maybe.

Not sure.---Probably, probably. What, what – that's what he said to us.

And did you expect that your application would be approved in a week after that phone call?---Well, to be honest, no.

No. Okay. There's two more calls from 4 February which I'm going to play.---It's all right.

20 The first is 1-3-8-5-2.

AUDIO RECORDING PLAYED **[3.53pm]**

MR MACK: And the final call from 4 February is 1-3-8-7-0.

30 **AUDIO RECORDING PLAYED** **[3.54pm]**

MR MACK: Do you recall Nosir coming over to your place after that conversation?---Yeah, he come. He took the application.

And can you recall – there was talk there about Nosir and the other gentleman completing the form. Can you recall how much of the form you filled out before it went to Nosir?---I think he took it I think the next day. I think he, he fill it out.

40 He filled the whole thing out?---No, not whole thing just a few things. I don't remember exactly what he done. But the situation is that finally we're, we're going with all that whatever he said. Because already they pay, we pay the money and we let him do whatever he say to us like bullshit or not. We're going, we're going to keep going to the end until, until the happened what's happened, that's it.

I think we're about to get to the end of the phone calls. And then I'll ask you what actually happened at the very end. There's five more calls I have to

play which aren't very long. Commissioner, I note the time, I think it's in interest of everybody if I play the remaining calls just so we can – if that means going past 4.00 I think we should do it.

ASSISTANT COMMISSIONER: No, it doesn't matter.

MR MACK: My next call is call 14017 from 5 February.

10 **AUDIO RECORDING PLAYED** [3.57pm]

MR MACK: The next call is from 9 February, 2016. And it's 14650.

AUDIO RECORDING PLAYED [3.58pm]

MR MACK: You mention Abdul Hadi. Who is Abdul Hadi, is that your - -
20 -?---Abdul Hadi, that's my partner.

Partner. Okay. And do you know what document they were looking for?
---No, I don't, I don't think – I'm not sure if we send it or not. It's like I'm
not sure what – why he ask or - - -

Okay. Well, can you recall if you sent them anything after that phone call?
---I'm not sure if we send it or not but - - -

Okay.--- - - - but probably, probably we don't send it because - - -
30

Probably don't send it.---Probably. I'm not sure. I'm not remember to be
honest. If we send it we send it. If not I'm not remember. It's like - - -

Okay. The next call is from 11 February, 2016.---Yeah.

It's call 1-5-0-1-7.

40 **AUDIO RECORDING PLAYED** [4.01pm]

MR MACK: Who was that other gentleman, Mahmoud?---Mahmoud.
That's the architect.

That's the architect?---Yeah.

And it was Mahmoud, Nosir and yourself?---Yeah.

And were you instructing Nosir to write on an application or was he instructing Mahmoud to?---No. When, when, when he – because, because what Nosir said to us he’s going to put – the architect he know, he know the code of the area so you hear what he said he going to put like – and that’s a normal communication between how we going to do the application to lodge it up in the council so - - -

10 Mahmoud was telling Nosir to put that on the form?---No, no, no. Mahmoud, I think he's, he's done his form, he put that stuff in it, he write that.

The final - - -?---When he done the application the map and everything he went and did his report. And he done his report like that.

The final call is from 17 February, 2016, and it's call 15830.

AUDIO RECORDING PLAYED

[4.05pm]

20

MR MACK: Do you know who Ali is?---No.

That was a conversation between you and Nosir?---Nosir, yeah, yeah.

30 All right. Do you know – can you recall anything hearing anything from Nosir after that phone call which was on 17 February, 2016? Did he come over to your place, have you been in touch recently? Can you recall the last time that you were in - - -?---I'm not sure after that. I think, I think it's, it's been like, it's been, it's finished everything after that. Maybe a month after we, we don't contact anymore. Maybe, maybe we have a few calls just arguing about the money, that's all. About to get the money back or something, maybe. I don't remember exactly.

And did you ever tell Mr Kolovos about the gentleman from the Council who was speaking to you on some of those phone calls?---The landlord do you mean, the landlord?

40 The landlord, yeah, Nick, yeah?---Nick, I think he talk a couple of times with my partner and, and he was, he was – we don't, we don't like talk to him much, maybe twice or three times. Just to tell him we have, we have nothing to do with, with anyone just let us finish then we, we will talk about it, yeah. Let us do that the DA and don't, don't, don't call anyone.

Okay. Commissioner, they're all the questions I have for this witness. There are a number of phone calls, it would be quite monotonous of me to repeat them all but I have got them all written down.

ASSISTANT COMMISSIONER: So they can be all be put together then as Exhibit 28.

#EXHIBIT S28 - TRANSCRIPT SESSION 1751, 4110, 4184, 4218, 6578, 6581, 6639, 6946, 11389, 12055, 12457, 13502, 13731, 13773, 13844, 13846, 13847, 13848, 13851, 13852, 13870, 14017, 14650, 15017 and 15830

10

MR MACK: So I can – I'm in the Commissioner's hands. I can recite all the calls.

ASSISTANT COMMISSIONER: Well we can say they're the calls between 23 November and 17 February, 2016.

MR MACK: Yes.

20 ASSISTANT COMMISSIONER: And if you hand up the notation that can be entered into the record.

MR MACK: Thank you, Commissioner.

ASSISTANT COMMISSIONER: Now do you have any questions?

MR CHAHINE: No questions.

30 ASSISTANT COMMISSIONER: Mr Rushton, do you have anything?

MR RUSHTON: Yeah. Can I just briefly ask a few, Commissioner? Like I note the time but I'll be very quick. In that last phone call you mentioned the sum of \$60,000, do you recall that?---No, just it was when we get like stress and angry you will start saying any words, it's just - - -

All right. But as I understand the evidence you have given the Commission, you had to pay Nosir \$40,000 which he was going to pay to someone in Council, is that correct?---Yeah, yeah.

40 And you had to pay \$10,000 and then you took out a loan of \$30,000?---Yeah, yeah.

Who was the loan from?---It's a personal loan.

From whom?---From ANZ Bank.

And did you have to pay that money back?---Yeah, of course.

And you have paid it back?---No, not yet. It's only like – we take it for five years or seven years I think - - -

All right.--- - - - paying back, yeah.

Did you call Nosir to find out why you had got nothing for your money?
---We argue many time for that.

10 Did you ask him what had happened to the money?---No, I don't because I know – when that happen I know the money maybe it's gone, that's it.

Well, did you ask what he had done with the money?---No, I don't ask him but because I know – everybody know – I know he going to get somebody else to push our file in the council (not transcribable) I didn't ask him. Just I ask to I get my, my file, my file pushed. That's all I want.

But you didn't get your file pushed did you?---No, no, I don't get anything.

20 Did you ask him what had happened to the money?---I ask him. He said it's – maybe I will get it to you after but - - -

Anything else?---No, that's it.

Thank you.

ASSISTANT COMMISSIONER: Yes.

MR PATTERSON: Thank you, Commissioner. Just one question.
30 Mr Beydoun, my name is Patterson. I represent Mr Izzard. The money that you paid to Nosir did you pay him by cheque or in cash?---No, cash.

All of it in cash?---Yeah, yeah.

The whole 40,000?---Yeah.

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Mack.

40 MR MACK: Commissioner, there's just one thing arising in cross-examination – in re-examination, sorry, in relation to payment and it's probably important that I put it to the witness, just bear with me. This is an MMS message from 2 February, 2016. Unfortunately it's not on the system but I can hand up a copy. It's a cheque made out to Kabita Earthworks and it's for \$10,285.---For who, sorry?

Kabita Earthworks.---What does that means?

Have you seen – do you recognise that cheque?---No, no.

No. All right. Can I have that.---Thank you. Maybe it's, it's a payment for something. I'm not sure.

10 It's not from your cheque account, though, is it? Commissioner, I will tender that document. It's just from around about the same time period. It's a cheque from Bells Civil Group to Kabita Earthworks. It was sent via an MMS on 2 February, 2016. And it's recorded in session 2-4-0-4-7. It's a cheque for \$10,285.

ASSISTANT COMMISSIONER: Is there anything on it to identify what bank it's from?

MR MACK: There is. I can hand it up. There's a cheque number 1-0-6-4. ---And who's write, under what name that cheque?

20 It's not - - -

ASSISTANT COMMISSIONER: It seems to be Bells Civil Group Proprietary Limited. And signed. It's an ANZ. Do you want to look at it again?

MR MACK: It's no – Bells Civil Group is, as I understand it, unrelated to Geta Skip. The only reason I put it to the witness is because it's right in the middle of that chronology and the build up to the time.---We can find out, find out where is going that.

30 Do you know, have you heard of Bells Civil Group before? A company called Bells Civil Group.---Maybe. I can ask the office for that, if you can give me a copy of that, possibly. I will, I will send you an answer. You can say, you can know the money where it's going straightaway. It's not hiding or something.

ASSISTANT COMMISSIONER: The \$10,000 that you paid, how did you pay that?---I'm not sure. Going to ask the office.

40 Yes. Okay.---Not me.

All right. Thank you. Leave it at that, then. Well, thank you. And we can adjourn now and resume on Monday at 10 o'clock.

THE WITNESS STOOD DOWN [4.16pm]

AT 4.16PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.16PM]