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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 MONDAY 5 SEPTEMBER, 2016

AT 10.00AM

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 issue of housekeeping. For the purposes of everybody here today, it's my understanding that the Commission will not be sitting on Wednesday morning but the rest of the week the Commission's due to sit.

10 ASSISTANT COMMISSIONER: Yes. Except that I'll be adjourning at 3.00pm on Friday.

MR MACK: Commissioner, I call Tom Cooper.

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

MR COOPER: Yeah.

20 ASSISTANT COMMISSIONER: An oath or an affirmation?

MR COOPER: An oath's fine.

ASSISTANT COMMISSIONER: Thank you.

<TOM COOPER, sworn

[10.04am]

30 ASSISTANT COMMISSIONER: Just take a seat there, Mr Cooper.
---Thank you.

It's highly unlikely in your case that anything that you might be asked about would lead to any civil or criminal liability on your part, but for more abundant caution I can make an order under the Act that would protect you. Do you want me to do that?---Yes, thanks.

40 So, 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 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
10 **NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Mr Cooper, can you tell the Commission where you're currently employed?---I'm currently employed for a company called Kingsfield Group.

20

And how long have you been employed with them?---12 months now.

Have you sworn a statement in relation to this inquiry?---Yes, I have, yeah.

At 4 April, 2016?---Yeah, that'd be, yeah.

And have you had a chance to read that statement recently?---Yes.

Okay. I'm going to show you a map of the intersection between Riverstone
30 Road and – Riverstone Parade and Bandon Road. It's at volume 9, page 38. Have you seen this map before?---No.

Do you recognise what it depicts, given a chance to look at it?---Yeah. Yeah, I can understand what it is, yeah.

All right. And where on this map, well, where do Kingsfield Proprietary Limited operate in relation to this map?---Where do we operate?

Yeah.---Or where did we operate?
40

Where did you operate?---In relation to that map, in the top – at the top of the map there, on Bandon Road, just outside the railway station there.

Where the diagonal lines are?---Yeah, pretty much, I think, yeah.

All right. And I take it you no longer operate from there?---No.

When did you cease operating from there?---I was only there for a day.

One day?---Yeah.

Okay. And can you recall when that day was?---Oh - - -

Was it earlier this year?---It was earlier this year, yeah.

Very long after New Year or - - -?---About probably February, maybe.
March, maybe.

10

Okay. Can the witness be shown volume 14, page 139, 140 and 141? Do you recognise those photos?---Yeah, I do.

And are they photos you took when you were working at that site?---Yeah.

And were they taken on the one day that you were working?---Yes, they were.

20

Where does Kingsfield usually operate out of?---From the opposite end of the site.

Okay. I'll take you back to volume 9, page 38. And can you see where you usually operate out of in relation to this map?---Yeah, it's a bit hard to, somewhere in the pink area down there. Come up a bit.

Can you see - - -?---Up about - - -

- - - that yellow square?---Yeah.

30

Would that be around about where it - - -?---Yeah, close enough.

Okay. So that's - and do you have a yard there? When you say operate out of - - -?---Yeah, we have a yard there.

You have a yard there. So what were you doing up the top of Bandon Road for that one day?---Clearing a site ready for a major excavation to take place up there.

40

Okay. And those pictures you took there, not of the site that you were clearing, were they?---No.

What were they pictures of?---The site next door.

Site next door. And do you know who controls the - or do you know who controlled the site next door when you were working there?---Not indirectly, no.

Do you know somebody by the name of Nosir?---Met him briefly on that same day.

And did you meet anybody else on that day?---Yeah, I met a gentleman from the, the RID Squad there.

He introduced himself as Craig?---He did. That's correct.

Craig Izzard?---Yes, that's correct.

10

Do you know what he was doing there?---No. He just came and asked what I was doing there and then basically left.

Had you – did you know Mr Izzard before –you met him before then?
---Definitely not.

Do you know a woman by the name of Ms Anne Bartlett?---Yes, I do.

20

How do you know her?---She's the property manager for, for Sakkara.

And who are Sakkara?---The, the owners of Riverstone there, the land there.

And how often would you be in contact with Ms Bartlett?---Oh, if I needed to know something or she needed to know something probably once, maybe twice a week maybe.

Okay. Do you know somebody by the name of Mr Angus McVay?---Yes, I do.

30

And who is he?---He's the – works for Sakkara I believe.

And how often would you interact with Mr McVay?---Again, maybe once, once, twice a week.

In the period leading up to the one day that you worked up the top of – near the intersection of Bandon Road and Riverstone Parade, had you been in touch with Mr McVay?---Prior to that?

40

Yeah, prior to that in relation to the property where you took the pictures of.---No, not, not that – earlier that day, no.

Previously, the week before, a couple of weeks before?---Not that I can recall, no.

Had you noticed or made note of trucks going into the site at Bandon Road before the day you worked there?---No.

I'm going to have to take you to a piece of evidence that Mr McVay gave to this Commission. He's given evidence in the first week of this hearing.
---Right.

And it's at transcript page 324. He was asked questions about yourself and perhaps if the transcript could be brought up at transcript 323 and I'm going to direct your attention to an exchange I had with Mr McVay.---That's fine.

10 And about – just down a bit further. And I put this question to Mr McVay, “And how long have you known Tom Cooper for?” And he said, “I met Tom Cooper, I can't remember exactly. It was probably August, maybe July of 2015.” And I said, “And did it come to you as a surprise when he contacted you in relation to - - -?---Yes, it did.” And then I said, “And why did it come as a surprise?” And then Mr McVay's response was, “Again that material, so at Kingsfield, we have a contract with Kingsfield to undertake earthworks on the site so he was managing those aspects and he was up the northern end of the site and witnessed more trucks coming in and tipping what he defined as crap, you know, chunks of concrete and things
20 onto the site.” And I said, “So he said to you at a previous occasion before 25 February. Is that correct?---Yeah, I believe.” And then down at about line 30 I put to Mr McVay, “And so it was in effect a change of tune for Mr Cooper?” And he said, “Yes, exactly, that's right.” So the summary of all that evidence was that Mr McVay said that you had told him about truck movements into the Bandon Road site previously and then he received a call from you on a certain date in relation to truck movements in there.---No, it was only that day because I hadn't worked at that end of the yard before.

30 Okay. Thank you. And is that – Mr McVay said that you conveyed to him that there was crap being delivered into that site. Is that an accurate reflection?---On, on that day, yes.

On that day, yes.---Yeah.

And did you report this to Mr Izzard when he came and visited you?
---Um - - -

40 Or did you go and visit him at – can you just run the Commission through precisely what happened on that day when you met Mr Izzard and you were working up that end of the - - -?---Mr Izzard came and introduced himself as who he was and what he did.

Yes.---And asked what I was doing and I told him that I was clearing the land ready for a major excavation and I suggested to Mr Izzard that he went and seen the bloke next door.

And did you ask – why did you suggest that to Mr Izzard?---Because the bloke next door was the one that was tipping material in there not me.

And what kind of material was it?---Well, there was a truck that was in there at the time with what I thought was concrete on the back of it.

And is your understanding that you weren't allowed to dump concrete on that site next to it?---My, my understanding of the Sakkara site is that it can only take VENM material.

And how many trucks on that day did you see go in?---Only the one.

10 Only one. Do you know if Mr Izzard took any action against the people next door?---Got no idea.

Did Mr Izzard tell you that he'd been investigating the site next door?---No, he did not.

After that day after you met Mr Izzard did you call Mr McVay?---I called, I called Angus McVay after that event to tell him that I had photos, yes.

20 Did you call Ms Bartlett?---Not on that day, no. I don't recall.

So it's your evidence that Mr Izzard didn't say that he'd been investigating the site to you?---No, definitely not.

And Mr Izzard never said to you that he was happy with the materials on the site?---No.

30 Did you get the impression that Mr Izzard was making inquiries in relation to the activities you were undertaking?---That was what I thought he was doing, yeah.

Have you spoken to Mr Izzard since then?---Since?

Yes.---One other time which I think was about two or three weeks after.

Is this when you saw him at a job on Richardson Avenue?---That's correct.

And he asked for Mr McVay's telephone number?---Correct.

40 And did you give it to him?---I told him at the time I wasn't at liberty to give anybody's phone number out.

Was Mr Izzard wearing a uniform?---I can't remember what he was wearing actually. He was dressed pretty smartly so, yeah.

And did you – sorry if I've asked this question before but did he introduce himself as holding a particular office or title?---Just said he was a member of the RID Squad.

RID Squad and you knew what the RID Squad was?---Well, for illegal dumping and things like that my assumption is anyway.

And do you know what RID stands for?---Oh, shit. No, I couldn't – can't tell you what the initials stand for, no.

10 But to your recollection did he introduce himself from a dumping squad or from the RID Squad or – I'm just trying to understand how you knew what capacity he was?---He just said he was from, you know, there for illegal dumping and things, yeah.

Thank you, Mr Cooper.---Thank you.

They're my questions.

ASSISTANT COMMISSIONER: Thank you. Does anyone other than Mr Patterson want to ask any questions? Mr Patterson.

20 MR PATTERSON: Thank you, Commissioner. Mr Cooper, my name is Patterson and I represent Mr Izzard. On this day that you had a meeting with Mr Izzard, how would you describe his manner?---Friendly.

Courteous?---Yeah.

Professional?---Yeah.

Did he give you a business card?---I can't recall. I think he did.

30 And you say in your statement, if the witness could be taken to page 137 of his statement, at the end of paragraph 5, last sentence. Could you just read that to yourself? "When Izzard left me and drove to the Bandon Road site" - - -?---Yeah.

- - - "I saw him get out of his car and appeared to talk to Nosir." That's correct, isn't it?---That's correct, yeah.

Did you see him taking photographs whilst he was talking to Nosir?---No, I didn't.

40

The load that you observed being taken in, did you see that dumped?---Yes, I did.

You say in your statement, at paragraph 6, in relation to the incident, or the event, some months later, "He came in on site and said he had a complaint." Did he tell you the nature of the complaint?---No. He just said he had a complaint.

And the property where you first had a conversation with Mr Izzard, that's part of a much larger precinct, isn't it?---That's correct.

Do you know the address 81 Riverstone Parade?---Yeah.

Is that part of that area?---That's correct.

It is? Thank you, Commissioner. No further questions.

10

ASSISTANT COMMISSIONER: Thank you. Anything arising?

MR MACK: Just one thing arising. You were asked whether or not the material in the truck was dumped and you said, yes, it was.---Ah hmm.

What happened once the material was dumped?---I didn't take much more notice of it.

20

And you say in your statement that Nosir was operating the Bandon Road site.---Yeah.

What do you mean by operating?---Well, it was his yard. He was working there.

And by working, do you mean he was on a machine or - - -?---Yeah, he was on a machine at the time, yeah.

On what kind of machine?---An excavator.

30

And so did he run the excavator over the dumped load?---The excavator was over near where the load was tipped, yeah.

But you didn't see him - - -?---No.

- - - apply the excavator to the load?---No.

40

Did you express concern to either Mr McVay or Ms Bartlett in relation to what you observed that day?---Yeah, I'm pretty certain I sent the photos to Angus as well. Or Mr McVay, yeah.

And did you have a conversation with him about what was happening?---No, I just said that he needed to go and have a look at what was going on.

Because you thought they were bringing in material other than what was permitted?---Correct.

Thank you, Mr Cooper.

ASSISTANT COMMISSIONER: Yes, thank you, Mr Cooper. You can step down. You're excused, if you'd like to leave.---Thank you.

Thank you.

THE WITNESS EXCUSED

[10.24am]

10

MR MACK: Commissioner, I call Ali Abdul-Rahman.

ASSISTANT COMMISSIONER: Mr Abdul-Rahman, will you take an oath or an affirmation?

MR ABDUL-RAHMAN: Affirmation.

ASSISTANT COMMISSIONER: Okay.

ASSISTANT COMMISSIONER: Just take a seat there, Mr Abdul-Rahman. Now, you understand at this inquiry you must answer the questions. In the course of answering the questions you might leave yourself open to civil or criminal liability. I can protect you against that by making an order under a section of the Independent Commission Against Corruption Act. Would you like me to make that order?---Yeah.

10

Then 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.

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OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR
THING PRODUCED.**

30

ASSISTANT COMMISSIONER: That protects you.---Thanks.

Yes. Yes, Mr Mack.

MR MACK: Mr Abdul-Rahman, have you been following any of this inquiry since it started?---Yes, I have.

40 And have you read any of the evidence in relation to this inquiry?---A little bit.

Are you aware that your name has - - -?---Yeah.

- - - been mentioned in the evidence? I'll come to what's been said in relation to you in a second. But first of all, do you know somebody by the name of Nosir?---Yes, I do.

Nosir Kabite?---I know Nosir but I don't know his second name. But, yeah.

Okay. I'll just show you a picture of Nosir. Volume 15, page 7.---Yeah, I know who he is.

And how do you know him?---I've lent him some money.

How much did you lend him?---I think around \$18,000 about. Around \$18,000, yeah.

10 Are you sure it was \$18,000?---I think so, \$18,000, yeah.

Could it have been more than - - -?---Maybe could be a bit more, yeah.

Could have been less?---Oh, I think it's a bit more. A little bit more.

And why did you lend him \$18,000?---He told me he had an excavator, there was something wrong with his excavator, so he asked me to lend him some money so he can repair his excavator.

20 Do you know a Mr Fram?---Yes.

Fred Fram?---Yeah, I do, yeah.

When I say Fred Fram, is that the person's name or does he go by other names or do you call him something different?---Just Fred.

30 Fred. And how do you know Fred?---He was looking at buying a landfill from me, so that's how I know Fred. He was going to buy a landfill and, yeah, that's how I know him. That's how I got to know him. And I always had clean fill sites over the years, so when he's got, like, an excavation job he needs to get rid of, he gives me a call and, yeah, (not transcribable).

When you say landfill sites - - -?---Yeah.

- - - do you operate landfill sites?---Yeah.

Through a company or on your own or - - -?---Yeah, through a company, of course.

40 And what's that company?---Elford Group.

And where are their landfill sites?---There's clean fill sites, St Marys.

Sorry?---At St Marys.

One at St Marys?---Yeah.

Is there one at Bowral?---There's one at Bowral, yeah. But I don't operate Bowral.

You operate the one at St Marys?---St Marys, yeah.

And when you say operate, what do you mean?---I run St Marys. I'm a subcontractor to that lease as a company. So that's what I do there.

10 Do you operate a machine at the site?---I don't operate a machine but I can operate machines, yeah. But I don't operate them myself, no.

What are your daily tasks in relation to operating St Marys?---Just to make sure that we've got the right material come from the right place, to make sure that all the trucks are in and out properly. Yeah, just to make sure that the job's all done right, for all the material to come on site, to make sure it's all approved to come on site.

20 How long have you known Nosir for?---I've known Nosir for, I met him about 20 years ago, but I haven't seen him. In 20 years I've probably seen him probably once or twice in 20 years.

So when you say once or twice, is that before you lent him the \$18,000 or including that?---No, it's when I lent him the money.

So you hadn't seen him for 20 years and then you lent him \$18,000?
---That's right, yeah.

30 Do you often lend \$18,000 to people you haven't seen for 20 years?---If people need it, they need it. If I've known them, if he was good to me, yeah, I would lend him, yeah.

Was Nosir good to you?---When I first met him, yes, he was. When he first come to the country.

In what way?---Just a good neighbour, good person. He just come from overseas and I thought I'd help him out.

40 So you used to live next door to each other?---Yeah, we did, yeah. Across the road.

What suburb?---It was at Merrylands.

When did you stop being neighbours?---I moved out of there and then moved somewhere else and never seen him after that for a long, long time.

So just let me get this correct.---Mmm.

Who, who was at Merrylands first in the neighbourhood?---Oh, I was there first.

And then he moved in next door?---Then he moved in next door, yeah.

And how long did you live next door to each other?---Oh, mate, I don't know. I can't remember. Probably – I'm not sure.

10 A month or two years, a long time?---Probably between five months to a year, it could be more. I can't remember but it was more than a month or two.

Did you see him very often when you were neighbours?---Yeah, all the time, like every day.

Did you meet – were his – do you know his children?---Every day, every second day. No, I don't know his children, no.

20 Were his children living there at the time?---No, I don't think he had children, or maybe he did. Probably little babies.

And then you say you left and didn't see him for - - -?---For a long time.

- - - for a long time.---A long time.

And then he got in touch and asked you for \$18,000?---Yeah.

30 How long was it between his request and when you gave him the \$18,000? ---Probably about three days, a week. I can't remember. Probably a week or two. In between a week and two, in that time.

What were the terms of the loan?---He was going to pay me back the money in three weeks.

With interest?---No.

Was it going to be secured against anything?---No.

40 Around about when did you give him the \$18,000?---I don't understand the question you're asking me.

When did you give him the \$18,000?---When did I give it to him?

Yeah.---About a week or two when he asked me for it.

When did he ask you?---He asked me to lend him some money.

When?---Sorry, I don't understand.

Was it this year, last year?---Oh.

Sorry.---No. Probably between five months ago till seven months, in between that time. In between that time.

Was it this year then?---Yeah, it was I think. I think it was this year, yeah.

10 So you didn't have any dealings with him last year?---I can't remember.
Maybe I did, maybe – I can't remember, mate, to be honest with you.

And before we were talking about Fred. Did you owe Fred money?---Never owed Fred a dollar.

Did Fred owe you money?---He does owe me money, yeah.

Do you know Ahmed Taleb?---No, I don't know him .

20 Do you know Mohamad Taleb?---Don't know him.

Has anybody ever threatened to cut off your fingers and your toes?---Not that I know of.

How long has Fred owed you money for?---I think within the last six months, five to six months, yeah.

What does he owe you money for?---For bringing in material into my site up at St Marys, clean fill site.

30 So when you say he owes you money, does that mean he owes - - -?---Owes the company.

Owes the company money?---Yeah.

Why hasn't he paid you?---Mate, don't know. We haven't got to that stage where - - -

40 Has he repaid any of the money?---Not a cent. Oh, no, not a cent. He's, he's put up a bill, spent some of the money and still he hasn't paid the rest of the money.

Did you have an agreement with him to contra off – do you know what I mean by contra?---No.

Did you know if Fred owed money to Nosir?---No, I don't know.

Do you know if Nosir owes money to Fred?---I don't know, no.

Do you know if Fred and Nosir know each other?---I think they know each other, yeah.

Did you ever have an agreement between yourself and Nosir in relation - - - ?---Never.

I'm going to take you to the transcript now.---Yeah.

10 Take you to what Fred said in relation to you but before I go there I need to – sorry, I'll get there in one second. Do you know a person by the name of Craig Izzard?---Yes, I do.

How do you know Mr Izzard?---I met him one day at Badgerys Creek. I'm got another site up at Badgerys Creek that's approved to, to do a couple of million cubic metres of mining so I met him onsite there.

Okay. You've got a site at St Marys, a site a Badgerys Creek.---Yeah.

20 One in Bowral you don't operate.---Yeah.

Do you have any other sites?---No, I don't think so, no. That's it.

Are you sure? I want you to think carefully.---I've got another site. Austral too, yeah, sorry.

Where?---Austral Bricks.

30 Where's that?---Well, it's on Eastern Creek. I've got another site there too, yeah.

But you've only met Craig at one of those sites and that's Badgerys Creek. Is that correct?---That's right. That's right.

And when did you meet Mr Izzard at Badgerys Creek?---Mate, probably a year and a half ago, two years ago.

And did Mr Izzard turn up out of the blue?---No, just – no, he came out with a, with a couple of the councillors, another lady I think it was.

40 Why?---Because there was something – we had a bit of a problem with the EPA onsite.

What was your problem?---Oh, just something small, some little problem there with the EPA so he came out with the EPA and, yeah, and the fire brigade and the police and - - -

Came out with the EPA?---Oh well, after – I think the EPA were still there.

And can you recall your interactions with Mr Izzard on that date to get his number?---He, he gave me his business card.

Did you keep it?---I did keep it, yeah.

Did you put his number in your phone?---No, I didn't.

And that was the only time you've met Mr Izzard?---I met him once again after that.

10

Where did you meet him the second time?---At a coffee shop not far from St Marys.

When was that, how long after the first time?---A long time, mate. A long time. Like this was only – I only met him after that probably, probably about three, I don't know, two months ago, three months ago.

So it would have been about May this year?---I can't remember exactly the date.

20

What coffee shop?---Right beside the council I think it was, Penrith Council.

I need you to refresh your memory. How long ago did you meet with Mr Izzard at the café?---Mate, I've got a very bad memory. I run a business. I mean this is the least thing I worry about is meeting Craig. How long ago it was, like I said to you probably three months, four months. I don't worry about things like that.

30

What was – was Mr Izzard wearing a uniform when you met him?---Mate, to be honest he came from the council so he must have been wearing his uniform straight out of the council, yeah. I can't remember that.

Who arranged the meeting?---I did. I rang up Craig.

Why?---Because I'm only about five minutes away from where he is and my job, this site that I'm doing for Lend Lease and I thought I'd ring up Craig and just, yeah, catch, catch up with him.

40

You rang up Craig just to catch up with him?---Yeah. I wanted to ask him if he knew someone. That was it.

And who did you want to ask him if he knew?---Sorry?

Who did you want to ask if he knew?---I wanted to ask him if he knew a guy named – by the name Nosir.

Had you talked to Craig about the guy named Nosir before?---No, I haven't.

So the first time you talked to Craig about a guy named Nosir was when you met him - - -?---Yeah.

- - - at a café - - -?---Yeah.

- - - three to four months ago?---Yeah.

10 Are you sure about that?---Well, I don't remember any other time talking to him about Nosir.

Did you ask him if he knew Nosir?---I did ask him, yes.

What did he say?---He doesn't know Nosir.

ASSISTANT COMMISSIONER: Sorry?---He doesn't know Nosir. I asked him if he knew Nosir and he said no, I don't know him.

20 MR MACK: So you said you rang Craig – you rang Mr Izzard - - ----Yeah.

- - - and asked for a meeting?---No, it wasn't a meeting, it was just a, just a catch up, you know, coffee. That was it. It wasn't formally. It wasn't, yeah.

So you met Mr Izzard once face to face in Badgerys Creek?---A long time ago, yeah.

A long time ago?---Yeah.

30 And then you called him shortly before you had another face to face meeting with him - - -?---Yeah, about - - -

- - - in the last four to five months?---In between there. I'm not exactly sure but it wasn't long. We're talking about, yeah, about that time.

40 Okay. So they're three interactions. There's a face-to-face meeting at Badgerys Creek, a call on the phone to arrange the meeting and then the actual meeting?---Yeah, but - - -

Three times.---But you said did you meet up with him. I said I met him twice but I've spoken to him three times.

Okay. You met up with him twice. You've spoken to him at least once on the phone.---Yeah.

Can you think of any other times you've spoken to him on the phone?---Not that I can remember, no.

But you definitely haven't rung him up in relation to Nosir before, have you?---No.

Did you ever do a job with Mr Izzard?---Never.

Do you know Sam Abbas?---I know of Sam Abbas, yes.

10 Did he offer to buy a tip at Bowral?---Yeah. Not him but his partner did.

How much did they offer?---I don't think I can tell you that. It's a bit private between me and them.

Why didn't the sale go through?---Sorry?

Why didn't the sale go through?---Well, how do you know the sale hasn't gone through?

20 Because he's given evidence saying it didn't go through. Did it go through?---Well, possibly.

Well, you also said that - - -?---That's confidential. I can't tell you that.

Well, you told the Commission before - - -.---Yeah, yeah.

- - - that you own, well, at least Elford Group - - -.---Yeah.

- - - operate a tip site at Bowral.---Yes.

30 And there was no other tip sites at Bowral that Elford Group operate?
---That's right.

And so I infer from that Elford Group still operate the tip site at Bowral. Is that correct?---Well, maybe. Maybe not.

Does Mr Abbas operate the tip site at - - -?---No, he doesn't.

Does somebody else operate the tip site at Bowral?---Possibly, yeah.

40 You need to answer my questions. Who operates the tip site at Bowral?
---Bowral Waste does.

And who owns Bowral Waste?---We're part of the shareholders of Bowral Waste.

Who's we?---But we don't actually operate the tip ourselves.

Does Sam Abbas have anything to do with the tip site - - -?---No.

- - - at Bowral?---Not yet.

Not yet?---No.

Did he ever discuss filling up the tip with - - -?---Never, never spoken - - -

10 - - - asbestos and dirty waste?---No. I don't talk to Sam much about it. No, sorry, what was that?

Did Sam ever talk to you or can you recall a conversation with Sam where Sam said he was going to fill the tip site at Bowral with dirty waste?---What do you say is, what is dirty waste?

I'll take you to, I'll take you to - - -.---Because there's things that are allowed to go into Bowral and there's things aren't allowed to go into Bowral.

20 I'll take you to precisely what he said.---Yes.

This is what Mr Abbas said to Nosir on the phone - - -.---Yes.

- - - on 23 December, 2015.---Yes.

So this isn't a conversation where you were involved.---Yeah.

30 But Sam Abbas says, this is on the phone, "We purchased a new tip as well." Nosir says, "Where?" Then Abbas says, "In Bowral. One million cubed. We take all dirty, contaminated asbestos, oil, diesel."---Well - - -

Did you ever have a conversation with Mr Abbas about taking - - -?---No, never.

- - - one million cubed of dirty, which includes contaminated asbestos, oil and diesel?---We can take the asbestos contaminated material in there, yes. We're approved to take it in there. But no oil, no diesel, no. We're not approved for that.

40 Have you had a conversation with Mr Abbas about taking asbestos to the tip in Bowral?---No. (not transcribable) on the landfill, they have to know what they can take and what they can't take.

I'll take you to Mr Fram's evidence now.---Yeah.

It's at transcript 477. Have you read this evidence?---No.

So if you just take a moment to read from the top. This is in the context of Ali, that's you, an agreement between you and Nosir.---Mmm.

And he says, "I don't know the story but I know there was \$15,000 owing." And when you read "Greg", you need to read that as "Craig" because that's the evidence he gives later, that he was referring to Craig.---Mmm. Yeah.

So I want to draw your attention in particular to about line – do you see the numbers on the side? There's a 20. And beneath that - - ----Yeah.

That's me. I say, "To Greg?"---Yeah.

10

And then Mr Fram says, "No, no. He didn't tell me to Greg but he told me he paid money to Nosir."---Yeah.

And then I say, "Yes?" and then he says, "To speak to that guy Greg." So what I take from that evidence is that he said that you paid money to Nosir so you could speak to that guy Greg. Is that correct?---No, it's not.

20

Well, at line 15 it says Mr Fram says, "I don't know what's the story. I know Ali. He went to the office. He screamed." Can you recall screaming at Nosir in an - - -?---Screaming at who?

Well?---At Nosir?

Yeah?---So I went to Nosir's office and screamed at him for (not transcribable) money?

Did you? It's a question I'm asking you. That's what Mr - - ----Well, no, I didn't.

30

All right. Did you go to an office where Mr Izzard was and scream?---No, I didn't.

Did you think that Mr Izzard would assist in getting your money back from Nosir?---No.

Did Nosir ever speak to you about Mr Izzard?---No.

Never?---Never told me nothing about him, no.

40

You don't know anything about the relationship between them?---No.

You don't know if Nosir liked or disliked Mr Izzard?---No, never spoke about it. For me, all I was trying to do is get my money from Nosir and that was it.

Okay. I'm going to take you to Exhibit 24 and to a phone call, a transcript of a phone call. Sorry, one second. Just bear with me. Taking you to Exhibit S24. The phone call is phone call 2-5-0-8. It's a call between

Mohamad Taleb, who you say you don't know. Did you know any of Nosir's nephews?---No.

It's about to come up on the screen. It's a call between Mohamad Taleb and Nosir. Mohamad is Nosir's nephew. And it's in Arabic, so it's been transcribed. And it was on 27 November, 2015. And I just want you to read that first page to yourself. You'll see that you're mentioned.---Yeah. Yeah.

10 Do you recall ever speaking to Mohamad Taleb or - - -?---Never.

- - - Ahmed Taleb?---I don't know who Ahmed Taleb is. One day a guy Ahmed rang me up.

What did he say?---And he said to me, I was trying to get, he was getting upset with me, getting the shits with me, sorry for my language, and saying, "My brother's money, it's got nothing to do with me." And that was it. Like - - -

20 Who did you think he was referring to when he said "my brother"?---I think Nosir. One day he rang me up and he said to me, "Your money is with my brother. Nothing to do with me at all." And that was it. I was very, he was upset and angry and whatever. But never said he was going to cut my legs off, my arms off.

But did you owe Ahmed money?---Never.

Well, why would he say to you that his brother's money is nothing to do with him?---Because Fred told me that he didn't get the money off me. Fred told me that he can get the money off him.

30 Fred told you - - -?---Yeah, that he can get the money off - - -

Off Nosir?---Off Ahmed.

So who's Ahmed, then?---That's the guy you're talking about right now. I think it's the guy you're talking about.

40 Who is he?---Some guy Ahmed just rang me up. He claimed that he was Nosir's brother. I've never seen him in my life.

Tell the Commission how you recall that conversation happening.---Well, Ahmed rang me up and he said to me, "Your money is between you and my brother. Nothing to do with me." That's all he said to me.

Well, why would somebody ring you up and say - - -?---I don't know.

- - - your money's nothing to do with me?---Don't know.

You don't know.---No, I don't know.

Well - - -.---I've never met the guy in my life. Never spoken to him in my life.

You have spoken to him in your life.---No, I haven't. That was the first time I spoke to him. He rang me.

10 Well, you have spoken to him.---Well, (not transcribable) I spoke to him there.

But you just told the Commission you spoke to him.---Yeah, when he just called me on the phone.

And that's the only time you've spoken?---That's the only time I spoke to this bloke. I didn't even know he had a brother named Ahmed.

20 I'm not trying to prove anything. You have to tell the Commission. If you know something about Ahmed Taleb, you have to tell the Commission what you know about Ahmed Taleb.---Well, I just told you. I don't know anything about him. I've told you, this is probably the second time I've seen him in 20 years.

That's Nosir.---That's Nosir.

I'm talking about Ahmed.---I've never seen, I didn't hear of the name Ahmed. I didn't know this would all happen, about cutting my arms and legs. Like, this is the first time I've heard of it.

30 Okay. Well, turn over the page. This is page 2.---I - - -

It's quite strong language. Do you recall any of that language?---No, never. Not one word.

Do you know what the reference - - -.---Because to be honest I wouldn't be taking that lightly myself, if someone threatened me like this.

40 Do you know what is meant by "And the yard up here is all mine, all mine."---No, I think he's talking about the wrong bloke. I don't know who, I don't know who this guy is talking to or who he's talking about.

Do you think you might recognise his voice if we play you the call?---I don't think so because I don't know who he is. I don't even know who you're talking about. This guy's got the wrong bloke. When this bloke rang me up, he never spoke to me like that at all.

All right. Well, the last paragraph. This is Mohamad Taleb saying - - -.---Yeah.

I'm going to read it out. "He said it to," so "he" is a reference to his Uncle Ahmed.---Mmm.

"He said it to Ali Abdul-Rahman."---Mmm.

10 "He said to him if Nosir owes you money, then in return you can take in goods and unload, but now you have to pay money to Fred. You cannot deduct anything from Fred. He said to him Fred is crying. And now Ali Abdul-Rahman called Uncle Ahmed and said to him, 'I will not pay any money to Fred until Nosir speaks to me. Get Nosir to call me, please.' He said to him, 'I don't want the money anymore.'"---Don't know what they're talking about.

These people knew that you had, you were owed money by Fred.---No, Fred doesn't owe me money, no. Fred's never owed me money. Well, he does. After this instance he's been coming to my tip. Yes, he owes me a lot of money now. But before this he didn't owe nothing.

20 Over the page. It's at page 3. "Do you know what Ali Abdul-Rahman's job is? What is it?" And then Nosir's answer is "Ali Abdul-Rahman is Craig's job, Craig's job." "Yeah, yeah. So what do you mean it's Craig's job?" "Craig's job means that Craig did a job for him and it didn't work." "Yeah, and I was present and I'm the one that has to give him the money."---I don't know what they're talking about. I think he was, must be on something, mate, because I don't even know, I don't know, these people, I don't know what they're talking about at all.

30 Do you know any - - -?---They must have the wrong person.

Do you know any other Ali Abdul-Rahmans?---Yeah, I do, yeah.

And are they in the same industry as you?---No, they're not. But what gets me is how do they know my second name?

I'm going to play you a call.---Sorry?

I'm about to play you a call.---Yeah, sure.

40 Between Nosir and Fred.---Mmm.

Before I play it, I want you to answer this question and think about your answer.---Yeah.

Did Nosir ever act as a middleman between a job and you and Craig?---No.

This is call 2-5-0-0 and it's from 25 November, 2015. Can you speak Arabic?---Yeah.

Well, you operate tip sites.---I don't approach – I operate proper landfills. I operate clean fill site tips. I'm, I'm engaged by big companies to do the right thing with them. The only thing I've done here was help a bloke that was – excavator has broken down. I end up being here.

I'll play you another phone call.---Yeah.

This is from January this year.---Yeah.

10 It's phone call 4-6-0-9. Again, this is from 20 January. It's not a call between you but it's a call between Nosir and Mr Izzard.

AUDIO RECORDING PLAYED

[11.03am]

MR MACK: I'll take you to page 2 of that telephone call and Nosir says to Mr Izzard, "And, and killing me this guy. Ali is killing my life. Killed you? He called me all the names under the fucking sun." Do you recall
20 ever meeting Nosir and Nosir calling you every name under the sun?---No, mate, no. Most of the times Nosir wouldn't answer my call because he knew I was after him for the money so when I did call him Nosir wouldn't call me back, wouldn't even answer.

Do you know what the reference is in the next line, "I probably won't be able to, what time Thursday? Thursday's my earliest because I'm not back, I'm not back till Thursday 10 o'clock." Did you meet with Mr Izzard and Mr Kabite on a Thursday following this phone call?---Who is Mr Kabite? I don't know who Mr Kabite is.

30 Nosir.---No, mate, no.

Did you meet with Nosir around about Australia Day this year?---No, that's just – yeah, anyway, no. Sorry, yeah.

Yes or no?---Mate, I don't, I don't remember, no. Where was, where was the meeting? Tell me I'll tell you yes or no.

40 Did you meet with Nosir around Australia Day this year?---I don't think so. Possibility?---I can't remember.

Are you saying – and if you did meet with Nosir what would have you discussed?---About my money.

So you must have leant him the money - - -?---Yeah.

- - - before the start of this year?---I can't remember, to be honest, how long ago I lent him the money. But if I, if I met with Nosir it would only have been at my house and nowhere else. I would've asked him for the money and that was probably about it.

So can you recall Nosir coming to your house?---Yeah, he did, yeah.

He came to your house to not pay you money or - - -?---He came to my house to lend him the money and give me back the money.

10

How much money did he give you back?---\$3,000 I think it was and he gave me a couple of cheques – sorry, one cheque that bounced about 10 times.

How did you pay Nosir?---In cash.

Do you often pay people in cash?---No, not really, no.

Why did you pay Nosir in cash?---Because he told me he needed it in cash.

20

Did you ask him why?---Not really, no. Because it's more a personal loan than it was a company loan. That's what it was.

Do you find it extraordinary that, that somebody would lend somebody \$18,000 in cash after not having seen that person for 20 years?---Not really, no.

30

How many other times have you lent somebody you haven't known for 20 years over \$10,000?---No, sometimes, sometimes I'll just give money to people, some needy person who might need \$10,000 I'll just give it to him. Somebody's got cancer, I'll just give him some money. If someone's sick (not transcribable), I'll tell the company to donate to them. So paying \$18,000 is not a lot of money to me.

Well did you give that money to Nosir or did you loan it to Nosir?---I loaned it to him.

Why didn't you give it to him?---Because he asked me for a loan, he didn't ask me to give it to him he asked me to loan it to him.

40

So you regularly give tens of thousands of dollars away?---Not tens of thousands.

How much?---I give some money away to charity.

How much?---Well to be honest it's none of your business. Not being rude but I don't have to tell you.

In relation to – is it more than \$1,000?---Yeah. To charity, yes.

Regularly?---Yeah.

But you've never given – have you ever given over \$10,000 to someone you haven't seen for more than 20 years other than Nosir?---I can't remember, I can't recall maybe I have but don't remember.

And there's no paperwork - - -?---Actually I've lent, yeah, I've lent people, yeah, I have. I've lent people money, yes.

10

The \$20,000 cash you gave to Nosir - - -?---It wasn't 20,000 it was a bit less I think.

The \$18,000 - - -?---Yeah.

- - - you gave to Nosir, did you withdraw that from a bank?---I think I did, yeah.

20

So there'd be record of you withdrawing a large amount of - - -?---Should be, yeah, a 100 per cent.

And you can recall going into a bank and withdrawing the money?---A 100 per cent, yeah.

That money definitely didn't go to Mr Izzard?---A 150 per cent didn't.

Well what's the relationship between Nosir and Mr Izzard?---I don't know. I don't know, I didn't know they had a relationship together.

30

So, so your evidence is that in January this year - - -?---Yeah.

- - - you didn't know that they knew each other?---No.

No idea?---Not any idea.

All right. I'll play you another call. And this is a call between you and Mr Izzard on 28 January, 2016 and it's call 4800.

40

AUDIO RECORDING PLAYED

[11.13am]

MR MACK: So you did know that Nosir and Mr Izzard knew each other?
---No. Well I asked Craig does he know him and he says no, he doesn't know him.

Sorry?---When I asked Craig when I met him, I said "Do you know Nosir", and he said "No, I don't know him".

Well, you also said "Mate, I know he's got a lot of respect for you, Craig, you know and I want", how did you know that Nosir had a lot of respect for Craig?---Because maybe Nosir is, is lying to me.

Well what did he say to you?---Well that's what he told me.

What did he tell you?---He told me that I know Nosir, sorry, I know Craig, I know this, I know that. You know and that was it. And that's why - - -

10

What did he say, what's this and that?---That's why I ended up asking Craig do you know him or not?

What's this and that?---Like he knows, he knows Craig. This is when I first gave him the money so I asked him, yeah.

What do you mean by this and that? What did Nosir say about Craig?---He just says he knew, he knew Craig and I thought, oh, yeah. Like I don't believe everything he tells me.

20

So Nosir said I know Craig?---Yeah.

And then what did Nosir say? How do you know that Nosir had a lot of respect for Craig?---Can't remember. I don't remember what, I really don't remember what, what me and Nosir spoke a lot about. Like there's a lot of things I can't remember what we spoke about.

I need you to try and remember because you have to give truthful evidence - - ----Well, I'm telling the truth.

30

- - - and it's an offence not to give truthful evidence to the Commission. ---Mate, I'm telling the truth. I don't remember much what we spoke about.

What did you - - -?---And you've heard it on the telephone call, I'm just after my money. That was all. I mean, that conversation should have told you everything.

Yeah, well, it hasn't. At page 4 - - -?---Yeah.

40

- - - it says, "Actually I gave him more than \$18,000 between me and you." Why is that a secret, that you gave - - -?---No, it's only \$18,000.

Well, what did you mean by "Actually I gave him more than \$18,000"? ---Well, it could have been, you know, 18, 20,000. I can't remember.

What didn't you want to say anything about it on the phone?---Well, I don't know.

You don't know. Tell the Commission why.---No, I don't remember. No way. I thought (not transcribable) \$18,000, that was it.

“But anyway I lent this scumbag 18 grand” - - -.---Yeah.

- - - “and the last time I spoke to you, I'm pretty sure you done it for me right.” What did you mean by “pretty sure you done it for me right”? You think Mr Izzard did something for you, didn't you?---No, I didn't.

10 What did you mean by “I'm pretty sure you done it for me right”?---I don't know. Maybe when I rang up Nosir asking for the money, I thought maybe someone's spoken to him.

Why are you protecting Mr Izzard?---I'm not protecting him at all.

Well, before you told the Commission - - -.---Craig Izzard, you asked me the question why am I protecting Craig Izzard. Craig Izzard has done nothing wrong by me. I haven't paid nothing to Craig. Yes, I'm not here to protect him or, he's done nothing wrong by me.

20

Well, why are you lying to the Commission. You told the Commission before that you'd never chatted to Mr Izzard on the phone and it's clear you have.---Yeah, must have just got it wrong. I spoke to him before.

Well, go to page 2 of the transcript.---I talk to a lot of people. Like, my phone just doesn't stop all day.

Okay. Page 2 of the transcript.---Yeah.

30 You say, “You know that guy, that Nosir guy I met on that service station?” “Oh, yeah, yeah. Oh, that was a while ago.” What's that a reference to? ---One day I met Craig at a service station. And to be honest I can't remember what I met him for. I wanted to meet him about something. And Nosir turned up and I said to Nosir, “What are you doing here?” He goes, “Oh, I just want to talk to you about something.” “Mate, stay away from me.” I said, “I've got to meet someone else.” I don't want to be embarrassed with Nosir being beside me.

So that was another occasion that Mr Izzard - - -?---Yeah.

40

Not Badgerys Creek and not the café, but you met him at a service station with Nosir?---It was at Kemps Creek.

Sorry?---That was at Kemps Creek, just five minutes away from Badgerys Creek.

Well, why would - - -?---I didn't want to be seen with Nosir, talking to Craig. Because Nosir was a - - -

But Nosir's got a lot of respect for Craig. I mean, what's the problem there?---Yeah, but I didn't want – me, myself, I didn't want to be seen with Nosir.

Why not?---Because he's a scumbag. And someone's told me before, "Don't deal with this bloke. He's a troublemaker. He's a headache. Keep away from him."

10 Well, why'd you lend him \$18,000.---I don't even know how Nosir got there.

Why did you lend a scumbag \$18,000 in cash?---Probably stupid.

Doesn't add up, does it?---Yeah. I shouldn't have done it.

Page 2. "Yeah, I just want to see him, if I can catch up with you. But please don't tell him I want to catch up with you, Craig." What happened last time that Craig told Nosir that you wanted to catch up with him?

20 ---Sorry, what was that again?

Look at page 2 of the transcript.---Yeah.

"Yeah, I just want to see if I can catch up with you."---With who?

"But please don't tell him I want to catch up with you, Craig. Please don't tell Nosir that I want to catch up with you, Craig."---Yeah, wanted to catch up with him. Yeah, that's right.

30 Why didn't you want Craig to tell Nosir?---No, because I wanted to see if Craig knew Nosir or not. And - - -

You already knew Craig knew Nosir because you all met at the service station together.---No, it wasn't, no. I didn't call Nosir. I didn't, I didn't see, I seen Craig but Nosir wasn't supposed to be there. I don't know how Nosir got there.

All right. Well, this is the next exchange.---I just wanted to be with Craig, me and Craig, no-one else.

40

Well, what happened the last time you tried to catch up with Craig?---When I caught up with him at the coffee shop.

"Please don't tell Nosir I want to catch up with you, Craig."---No, we never caught up. That was, the second time we caught up was, I told you, about three months ago, four months ago.

How did you - - -?---When I met up with him in the coffee shop and asked him if he knew him.

That was three or four months ago?---Well, that was, that's all he said at the time of the - - -

We're talking, we're talking, look at the date, 28 January, 2016.---That's the only ever time I've ever met with Craig.

10 Yeah.---That's twice I've met with Craig.

But last time, this refers to a time when you wanted to catch up with Craig. ---Never met up with him.

Yeah. But last time you attempted to meet up with him, back in January - - -.---Yeah.

- - - you were worried that he was going to tell Nosir that you wanted to get in touch with Craig. "Please don't tell Nosir that I want to get in touch with Craig." Why?---Mate, don't know why. I can't remember.
20

What happened last time - - -?---Last time - - -

- - - you tried to catch up Craig, did Craig tell Nosir, did he?---No. When I, when I caught up with Craig he told me he doesn't know Nosir. That's only the second time I've met up with Craig when I asked him.

You tried to arrange a meeting with Craig before 28 January, look at the date, 28 January, 2016?---Yeah.
30

You tried previously to catch up with Craig but the time, the previous time Craig went and told Nosir, that's correct, isn't it?---No (not transcribable)

And Nosir got in touch with you and said "Stop calling Craig", is that correct?---No. He would've come to my house and paid me the money, that's what he would've done.

"Last time you came over" - - -?---Yeah. When - - -

40 - - - that's what you said to Mr Izzard. "Last time you came over - - -?---I went to see Craig, yes.

Well it says that he came over?---Craig came over where?

Well you tell me. It says "Last time you came over and I asked you not to talk to him, you know about me meeting up with you and he come back and told me straight away that you'd told me that you know what I mean". Do you want me to play the call again?---No - - -

"Last time you came over", you're speaking to Mr Izzard?---Craig's, Craig's never come over. Craig - - -

Well why did you say "Last time you come over"?---Well maybe I missed some words out they weren't said right.

Why did you ask Mr Izzard not to talk to Nosir?---I don't know, I can remember why.

10

What did you mean at the bottom of that page? Mr Izzard said "Yeah, that's it, mate. It won't be until early next week but, um, you were going to ring me last time and we were going to catch up but I didn't hear from you"? And then you said "Yeah, yeah. It's true. I was but when I caught up him I said 'Look, I've just sorted it out between me and you. I don't have to go and see Craig anymore. But to be honest with you the guy's a fucking lying little pig right'". What did you mean by that statement?---Maybe he came and gave me some money at the time or gave me a cheque that bounced or – I don't remember everything that we spoke about. It's going back a long
20 time ago. Maybe he gave me the money then that was it, yeah. He did give me a cheque and it bounced and two weeks later he give me a cheque and it bounced and that's what was happening with him. And you heard the phone conversation.

What did you mean at page 5, when you say "You were going to get the money from this other guy". Who's the other you were going to get the money from, is that Fred?---I think it would've been Fred who's going to pay me the money. Well Fred told me he was going to pay me money, yeah.

30 But Fred didn't owe you any money at that stage, you told the Commission before?---No, but he was going to get it for me from Nosir. At that stage he didn't owe me money, that's true. But he was - - -

So why would, why would Fred be able to get money from Nosir?--- Because he knew Nosir very well and he got on with him, yeah, he got on with Fred.

You paid around about \$18,000 to Nosir so you could get influence with Craig, didn't you?---No. It's not true. I don't need Craig for anything.
40 Craig doesn't need me, I don't need him. What influence would Craig have on me? What can he do for me?

I'll play you a final phone call. This is between you and Nosir. It's call 19645 and it's from 10 March this year.

AUDIO RECORDING PLAYED

[11.29am]

MR MACK: Commissioner, I note the time. I'm going to be a little while longer.

ASSISTANT COMMISSIONER: Yes, we'll adjourn for 20 minutes for morning tea. Had you thought about getting somebody to appear for you, Mr Raman?---No.

10 You realise that you've given us evidence about this meeting in a café two or three months ago?---Yeah.

Where you were saying that you met Craig to ask him if he knew Nosir?---Yeah.

And he said he didn't?---That's right.

20 And that was two or three months ago?---I'm not exactly sure of the, the date and the time but I did meet up with him in a restaurant, yes. I'm not sure of two or three months - - -

You understand what I'm saying. There's a telephone call here for well before two or three months ago?---Yeah. Well I'm just saying to you I'm not really sure of what time and what day it was.

Are you sure you don't want the opportunity of getting somebody to appear for you and give some advice about these proceedings?---Well, there's nothing for me to hide. Like, I can't see why I need a lawyer to - - -

30 All right.---What am I hiding?

Well we'll adjourn for 20 minutes.

SHORT ADJOURNMENT

[11.35am]

40 ASSISTANT COMMISSIONER: Mr Abdul-Rahman, you're still on the same oath to tell the truth.---Can I see if I can seek to get an adjournment so I can get a lawyer?

I think that's a reasonable request bearing in mind that the evidence that he's given so far is so contradictory that he's - - -

MR MACK: Commissioner, I'm not sure if Mr Abdul-Rahman has a lawyer in mind or if he - - -

ASSISTANT COMMISSIONER: Yeah. When you say that, do you want -- is there a lawyer in particular that you want to have or do you want us to

provide you – there’s a Legal Representation Office that provides - - -?---I can get my own lawyer.

Get your own lawyer?---Yeah.

When can you have that organised?---Probably Thursday.

10 I think probably that’s a reasonable request bearing in mind that the lawyer is going to have to come to terms with the sort of evidence that he’s given today and read the transcript and so forth, because otherwise he’ll just get himself into more trouble.

MR MACK: Commissioner, I’m just worried about the time frame. If Thursday is the date when everything can be sorted and returned as opposed to the date when a representation is first organised that would help. What I’m trying to say is that there’s something put in train today to get legal representation with a view to returning here on Thursday (not transcribable).

20 ASSISTANT COMMISSIONER: Being here on Thursday. Yes, yes. Yes, well, it’s not convenient from our point of view but I think it’s probably important from your point of view. So I am prepared to grant that adjournment until Thursday so it’s going to be necessary for you to have the person here on Thursday so that the matter can proceed on Thursday. ---Yeah.

Okay.---Thanks.

30 MR MACK: And perhaps if the witness makes contact with the Commission and then the Commission can sort out access to appropriate materials.

ASSISTANT COMMISSIONER: Yes, and that’s important. If you get in touch with a lawyer the lawyer can get in touch with the Commission and they can provide that lawyer with the transcript and in particular the transcript of what your evidence has been so far and then we’ll see you back here on Thursday. Yes. All right. Thank you. You can step down. ---Thank you.

40 **THE WITNESS STOOD DOWN** **[12.02pm]**

MR MACK: Commissioner, I’ll tender those phone calls as well.

ASSISTANT COMMISSIONER: Yes.

MR MACK: It’s phone calls 2-5-0-0, 4-6-0-9, 4-8-0-0 and 1-9-6-4-5.

ASSISTANT COMMISSIONER: And they can be Exhibit 29 I think we're up to.

#EXHIBIT S29 - TRANSCRIPT SESSION 2500, 4609, 4800, 19645

10 ASSISTANT COMMISSIONER: Now, is there any word about Mr Kabite?

MR MACK: The word is that there is no word. I've just been handed a note. Perhaps if he's called first. He might have arrived in the last 10 minutes. I call Nosir Kabite. I'm getting a shake of the head from the back of the hearing room. Perhaps if I put on record the communication the Commission has had in relation to Mr Kabite this morning. Peter McManus of Colin Daley Quinn Lawyers contacted the Commission to advise that an associate of Mr Kabite contacted Mr McManus to say that Mr Kabite was at a doctor's and that the doctor said that Mr Kabite would probably need to go
20 to another doctor. That was this morning. I think I've got that right. There's been no updates since. The commission has requested a medical certificate. I'm not sure if – well, I understand that Mr McManus is not – doesn't hold instructions for Mr Kabite but did a previous occasion but no longer does so it was more of a courtesy call from Mr McManus to the Commission. That leaves us in a very difficult position. Out of fairness to Mr Izzard I think Mr Kabite should, everything else being considered, give his evidence first and my application would be to stand the matter down for another hour and see if we can make any further inquiries of Mr Kabite and if we – and then reassess at noon. I can indicate that I don't propose to call
30 Mr Izzard today but I don't think the Commission should wait indefinitely for a witness to attend.

ASSISTANT COMMISSIONER: No. Mr Patterson, have you got anything to say about it?

MR PATTERSON: Just pardon me a moment please, Commissioner. For the purpose of perhaps saving time, Commission, I can indicate that Mr Izzard is prepared to start his evidence today and Mr Kabite could be interposed at an appropriate time if Counsel Assisting is prepared to
40 consider that course. Otherwise we can tend to adjourn.

ASSISTANT COMMISSIONER: Okay. Well, we'll convene again at 1 o'clock and see what stage things are up to then.

SHORT ADJOURNMENT

[12.07pm]

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Commissioner, during the adjournment the Commission received an email from Peter McManus of Colin Daley Quinn at 12.59pm. It attached a doctor's certificate purportedly from a Doctor Wafik Latif of the New Granville Medical Dental Centre, 62 South Street, Granville. I'll hand up a copy to the Commission.

ASSISTANT COMMISSIONER: Thank you.

10

MR MACK: And, Commissioner, you will note that it's a photograph and it simply says that this is to certify that Mr Kabite has been examined and is suffering from chest pain, shortness of breath, numbness left upper limb and an investigation is arranged and in the opinion of Doctor Latif presumably Mr Kabite is unfit for his normal work from 5 September to 10 September inclusive. It doesn't say anything on the certificate about Mr Kabite's ability to give evidence before a commission and it's my submission that it's wholly inadequate for the purposes of not appearing today.

20

ASSISTANT COMMISSIONER: Yes. Well, I think that is the situation. It only addresses the question of whether he's fit for his normal work. It doesn't address at all the question of giving evidence before the Commission and all it really says is that he's making a complaint about those symptoms which are being investigated. In my view it is totally inadequate. I think the way forward is for investigators to go and see Mr Kabite and advise him that unless there's much stronger evidence of his inability to attend this inquiry that a warrant will issue for his arrest and he's required – he will be required to appear tomorrow. That means of course that we can't proceed any further.

30

Mr Patterson, the ideal of course would be if he does come tomorrow and then he can give his evidence and he can be cross-examined. If there's a problem about that then I would propose that Mr Izzard give his evidence tomorrow. The only issue about that is in terms of whether there is an issue of procedural fairness about it, so far as Mr Izzard is concerned. I can't see that there is but if there's any question about it then I would be prepared to allow Mr Izzard to give further evidence, if you think that that's necessary, if it transpires in that form. But I was really just wanting to put you on notice that there's a possibility that Mr Izzard might give evidence tomorrow.

40

MR PATTERSON: Thank you, Commissioner. I'm obliged. I should say that contrary to what I've put prior to the adjournment, Mr Izzard is now of the view that, in fairness to him, it would be preferable that he give his evidence last in accordance with usual practice. But I hear what you've said, Commissioner, and we can deal with it if it arises.

ASSISTANT COMMISSIONER: Yes, I don't know about the usual practice but I am conscious of the need to give Mr Izzard an opportunity to answer anything that is put, and he will certainly have that opportunity if it transpires that that's the way the witnesses are called. But I'm hoping at this stage that Mr Kabite comes tomorrow and we get that part of the inquiry over and done with before Mr Izzard gives his evidence.

MR PATTERSON: Thank you, Commissioner.

10 ASSISTANT COMMISSIONER: Mr Rushton, did you want to say anything about it?

MR RUSHTON: No. No, thank you, Commissioner.

ASSISTANT COMMISSIONER: Mr Dunne? No? All right. Then we'll adjourn until tomorrow at 10 o'clock.

20 **AT 1.20PM THE MATTER WAS ADJOURNED ACCORDINGLY**
[1.20PM]