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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 TUESDAY 6 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, I call Nosir Kabite.

ASSISTANT COMMISSIONER: Yes. Just go in the witness box, Mr Kabite. Will you take an oath or an affirmation?

10 MR KABITE: But, Your Honour, just can I ask for general – for a few days to get better because I’m – I don’t feel well.

ASSISTANT COMMISSIONER: What have you got there?

MR KABITE: Just the flu and some chest problem.

ASSISTANT COMMISSIONER: Is there a document you want me to see?

MR KABITE: Yes. Thank you.

20 ASSISTANT COMMISSIONER: None of this takes it any further than the certificate that was faxed to the Commission before saying that you were unfit for normal work. I’m not prepared to grant you an adjournment. The matter should proceed, Mr Kabite.

MR KABITE: Mmm.

ASSISTANT COMMISSIONER: I’ll return these documents to you though. Will you give evidence on oath or by affirmation?

30 MR KABITE: Affirmation.

ASSISTANT COMMISSIONER: Affirmation. Thank you.

<NOSIR KABITE, affirmed

[10.05am]

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Mack.

40 MR MACK: Commissioner, I note that the witness is unrepresented. It might be wise to explain section 38.

ASSISTANT COMMISSIONER: Yes. Now, you’ve sat through some of the hearings here, Mr Kabite, and you know that you must answer questions that are asked of you at this hearing. If you don’t answer questions then that’s an offence under the Act. But I can make an order that anything that you say here can’t be used in evidence against you in any criminal or civil

proceedings, so it doesn't matter what you tell us it can't be used as evidence against you. Do you understand?---Yeah. Please do.

That leaves you in a position where you're quite free to tell the truth about everything.---(not transcribable).

But although I can make that that order it does not protect you if you tell lies. You understand?---Yes.

10 So you want me to make that order?---Yes, please.

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.

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

30

ASSISTANT COMMISSIONER: Now, that gives you protection against anything that you might say in the way that I've explained it to you. Okay? ---Yeah.

Yes, Mr Mack.

MR MACK: Mr Kabite, I'm going to start with your name because it's important that we get your name right for the purposes of the evidence. Can
40 you tell the Commission first of all your first name and how you spell your first name.---Nosir, N-o-s-i-r.

And your surname?---Kabite, K-a-b-i-t-e.

And were you formally known as Nosir Taleb?---Yes.

And how do you spell Taleb?---T-a-l-e-b.

And when did you change names?---10 years ago.

How long have you known Craig Izzard for?---About a year and a half.

So around about the start of 2015. Is that correct?---Yeah. Something like that. Mid of 2015 or something.

How did you meet him?---He come up to the job site.

10 What job site?---Reuben Matthews place.

At the start of 2015?---Yeah.

And how do you know it was the start of 2015?---How I know what, sorry?

How do you know it was around about the start of 2015?---That's what I remember.

20 So it's clear in your head that it was at the start of 2015?---Yeah, something like 2015.

Okay.---I'm not 100 per cent sure but something like that.

Definitely not 2013?---No way.

And what happened when Mr Izzard came up to Reuben's place?---He just come to the job because we're dumping soil there and said that we have to stop because we got no DA.

30 Because you don't have a DA. Is that correct?---Yeah, yeah.

And did you stop?---Yeah, we did.

And prior to Mr Izzard coming how much material had you been dumping?
---Only 20, 30 loads.

20 or 30 loads in total?---At the time, yeah.

40 At the time. When did you first dumping at Reuben's place?---Well, it was 2013 I think first we start.

2000 and what, sorry?---13.

13. And did you have any more interactions with Mr Izzard after your first meeting at the start of 2015?---Yeah.

How would you describe your interactions with him, were you friends, were you business colleagues, what was the nature of your - - -?---Yeah, after this, after he show up to the farm so Reuben was trying to get a DA.

Yeah.---And Craig was helping to fill out the application.

And what happened after that?---Then we started doing the power things, power units. We become, like, not friends, just, you know, we get to know each other. Me, him and Andy.

10

How often would you be in contact?---Not much at the beginning. Not much. Like, most of the time Andy used to call him.

Can you recall if Mr Izzard came out to Reuben's place after the first time you met him?---I think so.

Why?---Just after the application, I think.

20

Do you know what happened with the application?---No, actually, they were talking to, he was talking to Reuben's daughter.

And after Mr Izzard came out and told you to stop at Reuben's place, did you start dumping material again at a later date?---Same day?

At a, at a - - -?---Later?

Later?---Yeah.

30

When did you start dumping again?---Maybe a couple of weeks later. Three weeks.

And how much more material did you bring in?---I don't remember exactly but not much. Not many.

And you were aware that some of that material contained asbestos?---Well, yeah, could be because it's - no material clean hundred per cent. Sometimes you find asbestos piece or something. At the time I wasn't experienced. I didn't know about that.

40

And why did you start dumping again?---Just to level the place. We started doing glasshouses.

But Craig, but Mr Izzard had told you to stop, so why did you start again?---I don't know. Just did.

Do you recall, have you ever got an iPhone for Mr Izzard before?---Yes.

How many?---Sorry?

How many?---What do you mean how many?

How many iPhones have you got for Mr Izzard before?---I remember once.

Only once?---Yeah. The guy asked me for the iPhone, a cheap one. Not a bribe or anything, just he wants the iPhone and pay for it.

10 “Not a bribe or anything”? Is that what you said?---No. And I got it for him. He try hard to pay for it, but he doesn't take the money.

So why did you get Mr Izzard an iPhone?---Because we are friends or something.

Because you're friends or something?---Yeah.

What do you mean by “something”?---I don't know. Just, um - - -

20 Can you recall when you got Mr Izzard an iPhone?---When?

When.---That was at Riverstone, I think.

What time? What time of year, can you remember?---No.

How long ago?---I don't know. Not sure but maybe five months ago or so. Five, six months.

Do you remember asking Mr Gulati?---Who's Gulati?

30 Ashish Gulati. Do you know Ashish Gulati?---Yeah, yeah. Yeah, I did.

Did you ask him to get an iPhone?---Yes.

Did you tell Mr Gulati who the iPhone was for?---For the council guy, yeah.

And who's the council guy?---Craig.

And why do you refer to Craig as the council guy?---Why, why what, sorry?

40 Why do you call him the council guy?---What am I going to call him, then? Because he's a council guy.

What do you mean by that?---I mean he's a council guy.

What's that mean?---Like, he's a, he's a council guy. I mean, a council officer.

He works for the council?---Sorry?

Do you mean he works for the council?---Yes.

Do you know what his job is?---Illegal Dumping Squad.

Do you know many other people on council?---Yeah.

How many?---I know Frank, Serge, Anna, that's it.

10 Frank, Serge, Anna and Craig?---Yeah.

So, four. I'm going to play you a phone call. This is in evidence, Exhibit 24, and it's phone call 3-1-3-3. Just before you play that, would you like me to play you the phone call or take you to the transcript? The phone call is in Arabic, but I can take you to the, what would you prefer?---Yeah, whatever you want.

All right. I'll take you to the transcript.---Okay.

20 This is a phone call between yourself and Mohamad Taleb. Do you know who Mohamad Taleb is?---Yeah, my nephew.

He's your nephew. At the bottom of page, sorry, at the top of page 2 you say, "You don't know from which area this one wants. We found a phone Craig wants. The telephone, now he's coming at 2.30 to take it." Where was Craig going to come to take the phone from?---From the yard.

From where?---Riverstone.

30 Riverstone. And what's at Riverstone?---The yard.

The yard. And do you refer to the yard sometimes as your "farm" or as "the farm"? Without looking at that, do you call Riverstone "the farm" sometimes?---Yeah, Bandon Road.

Bandon Road, the yard, the farm.---Yeah.

All right. Does Craig often come – has Craig often been to the yard at Bandon Road?---Not many times.

40

Well, how many?---Can't recall exactly but a few times.

Less than five? More than five?---Probably four, five, yeah.

Probably four or five. And why would he come out to Bandon Road?---No, most of the time to check on the yard and (not transcribable).

Can you recall who gave you the phone to give to Mr Izzard?---No, not really. But I think one of my nephews (not transcribable).

Okay. I'm going to play you a call, and this is from, this is from 30 November, 2015, and it's call 3-1-2-8. And it's in Arabic but there's a transcript.

AUDIO RECORDING PLAYED

[10.20am]

10

MR MACK: Who is the female voice?---My niece Rowya.

And do you accept that you gave Mr Izzard an iPhone 6 phone?---Yes.

And did it come from your niece, does that refresh your memory?---Yeah.

And you see that's dated 30 November, 2015?---No, no, she just found it on, on Gumtree or something.

20

Do you know if- - -?---And I send someone - - -

Do you know if she bought it?---Sorry?

Do you know if she ended up purchasing the phone?---Yes.

And then - - -?---I think so.

Did you pay her for it?---Of course.

30

How much did you pay?---I think it was 700 or something.

And you gave that phone to Mr Izzard?---Yes.

How much did Mr Izzard pay you for it?---He tried to pay for it but I didn't take the money.

Why not?---I just didn't.

40

Just didn't. All right. Well, that's on 30 November, 2015.---Mmm.

I'm going to take you to another call back in October, 2015, but do you say that was the only time that you gave Mr Izzard an iPhone?---I think so.

You think so?---Mmm.

Is it possible that you gave Mr Izzard an iPhone on another occasion or not?---Maybe.

How many other occasions?---Just one.

Just one other occasion?---Mmm.

And when was that?---I don't remember.

Was it before or after?---After.

10 After. So there's two occasions where you gave Mr Izzard an iPhone, one on 30 November and one after that date?---Yeah.

All right. I'm going to play you a call now from 9 October, 2015 and it's call 8-8-5 and then I'm going to show you two text messages.

AUDIO RECORDING PLAYED

[10.23am]

20 MR MACK: I'm going to show you a text message on the same day. Text message 9-1-2. This is a text message from Mr Izzard to yourself. It says, "Thanks champion for the phone. You're a good man with a big heart." And then a few minutes later you reply on text message 9-1-3. It says, "Anytime but I'll get you a brand new one next week".---Yeah.

So first of all, who delivered the phone to the mail box?---Don't remember.

Was it your son?---Honest, honest.

30 Sorry?---No, no, no. It wasn't my son.

Was it your nephew?---My son wasn't here at the time.

Well, how many sons do you have?---Three.

And it wasn't any of those? Was it your nephew?---I'm not sure if it was, but, yeah. One of my nephews, I reckon.

40 Well, you understand that this is in relation to an iPhone 5. Before you told the Commission that there was possibly two occasions when you bought Mr Izzard an iPhone. One was in November and it was an iPhone 6, and the second time was some time after that. So you accept that there was actually at least three times that you bought Mr Izzard - - -?---No, no, no. Not three times. Two times.

How many?---Two.

Who paid for the iPhone 5 in October?---I did.

And how much did Craig pay you for it?---Didn't pay me.

He didn't pay you?---He tried but I didn't take the money.

Why didn't you accept it?---I don't know. I just didn't.

Did you think that Mr Izzard might give you a favour if you didn't pay him money?---No, not that. It's, um, some kind of culture or something.

10

Some kind of what, sorry?---Culture.

What do you mean by that?---I mean we – he's a council guy. I've got respect for him. Something like that, that's all.

You've got respect for a council guy, so you buy him an iPhone 5 and then you buy him an iPhone 6?---The guy try to help us many times to get the DA approved for Reuben's, and he used to call the council and call Reuben's daughter, tell her what to do, this and that, which is – I felt like I owe him something.

20

So your evidence is that you gave him an iPhone 6 in October, an iPhone – sorry, an iPhone 5 in October and an iPhone 6 in November because Mr Izzard helped Reuben with the development application?---That's right.

Did Mr Izzard ever ask for an iPhone for that reason?---What reason?

For helping fill out the development applications?---No, no, no. He didn't. I'm not trying to defend him or cover up for him or – no. The guy never ask for any kind of that. He ask me if I can get an iPhone, cheap one. I said yes.

30

He asked you for an iPhone, for a cheap one?---Yes.

Why did he think you could get him a cheap one?---Because we always do. We get it cheap from (not transcribable).

How did Mr Izzard know that you might be able to get a cheap iPhone?---I don't know.

40

And when he asked you, did he tell you that he was going to pay you for it? ---I think he mentioned that.

When you say you think he mentioned it, did he mention it on both occasions?---I think so.

So can you recall an occasion when he asked you for a new phone and didn't tell you he was going to pay for it?---He tried to pay for them but I said no.

Would it strike you as unusual if he asked for a new phone and he didn't offer to pay for it?---No, no. The reason, actually, second time I noticed the phone was broken, then I decide to get him another one.

So there's two occasions we're talking about. There's an occasion in October with an iPhone 5.---Mmm.

10 And then you send a text message in October, 2015 and say, "I'll get you a new one soon." And then in November you get another iPhone from your niece.---Yeah.

That's an iPhone 6.---Yes.

So are you telling the Commission that in the second occasion you were giving him a new one because the first one was broken?---I think so.

20 And was there another – what happened with that phone, with the second phone?---I don't know. I just gave it to him.

Just gave it to him and that was the last time you spoke to Mr Izzard about an iPhone?---(No Audible Reply)

I'm going to play you a call from this year. So you understand that this is three months later than November, 2015. I'm playing you a call from December, 2016 and it's call 6-8-8-9.

30 **AUDIO RECORDING PLAYED** **[10.34am]**

MR MACK: So did you end up getting Mr Izzard another iPhone? This is in February this year.---I don't remember, to be honest.

Can't remember. So it's possible that - - -?---Yeah, it is possible.

- - - when Mr Izzard asks for something, being an iPhone, you go and get it?---That's right.

40 Mr Izzard didn't mention anything here about payment, though, did he? ---Payment?

Payment, yes.---No.

Does Mr Izzard often ask you for goods or money?---No.

No. Just in relation to an iPhone?---Yeah.

Did you ever tell him, “No, I'm not going to get you an iPhone”?---No.

Did you ever feel as though you just had to get the iPhone to shut Mr Izzard up?---Shut him up about what?

That’s what I'm asking you. Did you ever feel like you just had to get an iPhone for Mr Izzard to shut him up?---No.

10 All right. I'll play you another call. This is back in November. It’s before you get him the iPhone 6 in November, on 27 November, 2015.---It’s better if you can ask now a straight question, please, because anything (not transcribable) I'm not going to hide nothing. No need to ask me, like, “Did you blah, blah?” then play the phone. Just ask me. I'll tell you.

I'll just put to you, did you ever feel as though you needed to get an iPhone for Mr Izzard in order to shut him up?---Shut him up about - - -

Yes.---Yes. He did ask me. I got him an iPhone.

20 Did you get it to shut Mr Izzard up?---Shut him up in what way?

Well, is that the type of language you would use when you're asking somebody for an iPhone for - - -?---Yeah, yeah. You're right. You're right. We would use that language.

So you accept that – I'll play you the call and then you can tell the Commission exactly what you meant.---No worries.

30 **AUDIO RECORDING PLAYED** **[10.38am]**

MR MACK: So what did you mean by you needed the iPhone to shut the council guy up?---I mean, like, if you say, if someone ask you for something and keep whinging about it, you say, yeah, just get it. I want to shut him up.

So Mr Izzard kept asking you for an iPhone?---Yeah, he asked me a couple of times, yeah.

40 And you wanted – the only way you could stop him asking was to find an iPhone for him. Is that right?---Mmm.

You need to answer into the microphone.---Yes.

I’m going to go back to Reuben’s place now and ask you some more questions in relation to Reuben’s place. Do you recall a meeting at Reuben’s place with Reuben, Mr Cannuli and Mr Izzard?---A meeting?

A meeting.---I'm not sure but maybe.

Maybe?---Mmm.

Well, Mr Matthews says there was a meeting and that was the first time he met Mr Izzard.---When he show up to the farm.

I'm going to take you to a document but before I go there can you recall where the meeting was?---At the farm.

10

I'll show you the picture of the farm and by the farm do you mean Reuben's farm?---Yeah, Reuben's farm, yeah.

All right. Can the witness be shown a picture of 405 Willowdene. This is volume 18, page 38. Do you recognise the property in that picture?---Yeah. It's Reuben place.

Sorry?---That's Reuben plan.

20

All right. Can you just move a little bit closer to the microphone. It's important that the transcribers can hear. You say that Mr Izzard came to this property and met with yourself. Do you accept that there were other people there when Mr Izzard came?---What do you mean by other people?

Were there – your evidence is that you met Mr Izzard when he came to Reuben's farm.---Mmm.

30

What I'm saying is that this picture is a picture of Reuben's farm. I'm going to ask you first of all where did you meet in relation to this picture, was it out the front, was it near the driveway?---No, when he come he come to the driveway then he went up to Reuben - - -

Okay. When you say - - -?--- - - - place because we told him to go talk to the owner.

All right. When you say driveway - - -?---At the back not at the front.

Okay. Well, where the – at the bottom right-hand screen?---Yeah.

40

And do you recall who else was there when you met, was Andy there?---I'm not sure to be honest.

And can you recall if Mr Matthews was there, and by Mr Matthews I mean Reuben?---Yes, yes, Reuben was there.

Do you recall who was there first?---What do you mean?

Well, was it the case that you were at the driveway and then Mr Izzard came or was Mr Izzard at the driveway and then you came?---Yeah.

Mr Izzard was at the driveway and then you came. Is that correct?---(No Audible Reply)

If you can't recall just say you can't recall. I'm just - - -.---I'm not sure who come first but he did come there.

10 All right. And you say that was the first time that you ever met Mr Izzard?
---Yeah.

And was it on that occasion that Mr Izzard offered to assist with Reuben's development application?---Yeah, he, he explain to Reuben that he can't do that without DA approve, approval then we start asking the question how to do it then he told us.

20 Okay. I'm going to take you to an email exchange between Mr Izzard and Mr Matthews's daughter. This is at volume 5, page 83. And you see the date there, it says 21 October, 2013?---Yeah.

And it says, "Hi, Craig. You were talking to my dad this morning. Could you please let me know what I need to do for dad in regards to the DA."---Yeah.

Is it possible that you knew Mr Izzard before the start of last year?---It's possible.

30 Is it possible that you knew him in 2013?---I think so.

Well, why did you tell the Commission before - - -?---Because I don't remember exactly. It's not a matter of hiding anything, but just I've got a bad memory, that's all.

Your evidence is that when Mr Izzard came out, he told you to stop dumping material, is that correct?---Yes.

40 And then you started again but you don't know why?---We just did. But it wasn't, like, a half a day or something. Then the other two council guys, they came in. Then we stop completely.

Is the material still – you accept you went to court and were fined for dumping material at Reuben's place, don't you?---Yes.

Yes? And can you recall how much you were fined?---\$25,000.

Can you recall how much Mr Matthews was fined?---I think 50.

Do you know if Mr Matthews has paid that money?---Yeah, he is paying it, yeah.

Did you help him pay it?---Not really.

Do you know if – and you knew that some of the material that you brought in contained asbestos, didn't you?---I didn't know about it till the council people, they saw the - - -

- 10 They tested? The council people came in and tested it, is that correct?
---Yeah. They found, like, small pieces here and there. That's normal because every soil has got something in it.

Every soil has got asbestos in it? Is that what your evidence is?---Doesn't have to be asbestos. Something like contamination or - - -

Something like - - -?---Contaminated stuff. That mean plastic or some bricks, some - - -

- 20 All right. But you're aware that the soil that was brought in to Mr Matthews's place was tested, and it tested positive for asbestos?---I didn't know about that till the council, a guy from the EPA came in, and he took one piece of asbestos and he tested it. Result comes positive because it's asbestos.

And do you know if - - -?---But it's not like a truckload or something. Just pieces.

- 30 Do you recall being ordered by the court to remediate or fix up the - - -?
---That's right.

And have you done that yet?---No. At the time we didn't have the money for that. They gave us six months. Then the six months is over, then that thing starts, so we didn't know what to do. Either, like, keep going with the first or wait till this one over or, and we're still like that. Still waiting.

So can you tell the Commission how long that process is going to take?
---What process?

- 40 To fix Mr Matthews's property.---Well, the court, they gave us six months.

Yes?---To do the test (not transcribable). Then we start removing whatever we need to remove.

Yes. And that six months expired in December last year. It's now September 2016, so there's been nine months that's passed.---Yeah, but at the beginning we didn't have the money to do it because the tests cost a lot of money. And I did ask the gentlemen from the council. I explain what's

going on and they said I might have to go back to court and ask for an adjournment.

Did you ever try and get somebody to test the soil?---Yes. We got a few people there.

10 I'm going to play you a call. And the call relates to you calling somebody by the name of Sam. Do you recall calling someone by the name of Sam to come and do some testing?---I think so. There was a few of them. We called a few of them in and just going to get, trying to get a less price.

You weren't trying to shop around for somebody who would - - -?---Yeah, that's right.

Well, you say it's in relation to price but was it in fact in relation to who would test parts of the property that didn't have asbestos in it?---Probably I said something like that. I'm not sure. But was too many conversations between me and other people related to that.

20 Did you ever try and get Reuben's place tested by somebody who wouldn't test where the asbestos was?---Doesn't work that way, because council people, they come up to the farm and they show us where to test. It's not up to us. But we try to do something around it, yes.

You did try to do something around it?---Yes, I did.

All right. And what did you try and do?---To test somewhere – I try to convince the guy, he didn't accept it.

30 Did you tell Mr Matthews that that's what you tried to do?---Not sure.

Aren't you concerned that Reuben and his daughter are living on a property that's contaminated with asbestos?---Of course. I will try to fix the place. But when you say asbestos, it wasn't truckloads of asbestos. Only pieces. And any property you go, you find that asbestos.

Any property you go, you find - - -?---Any job site or anything, you find that asbestos. It's not a - - -

40 So if somebody rang you and said, "I've got a load of soil and it's got bits of asbestos in it," what would be your reply?---Bit of asbestos?

Yes. A bit of fibro. A bit of asbestos fibro. If somebody rang you and said, "I've got a load of soil that's got bits of asbestos in it," what would you tell them?---I usually say no.

No what?---I don't take it.

When you say, "I don't take it," what do you mean?---Like, asbestos not acceptable.

Take it where, though?---Anywhere.

To farms? Is that what you mean?---Yeah.

To Bandon Road?---Bandon Road wasn't a farm. It's a yard.

10 It's a yard, okay.---Yeah.

So did you ever take asbestos into your yard at Bandon Road?---Yes, piece of them. Some pieces. Not, like, someone call that has got one load, I'll take it. Because usually that yard was – they would handle. We dump something there then we'll take it later.

20 Sorry? You dump something – so your evidence is that you dump stuff at your yard in Bandon Road and then take it somewhere else later? Is that what you just said?---Yeah. Not exactly. The purpose of this yard was to start a skip bin business.

That's not true, is it?---Yes, it is true, sir. That was the purpose from the beginning.

You know that your son told the Commission that the purpose of that yard was because you could no longer tip at Reuben's place and you needed somewhere else to tip contaminated material?---It's true.

30 That's true, is it?---Yes, true.

So you could no longer tip at Reuben's yard, so you had to find somewhere else, and you found the yard at Bandon Road, is that correct?---That's right.

That's the reason why you found the yard at Bandon Road?---That's right.

40 And right from the start you needed somewhere to tip soil that contained asbestos. That's correct, isn't it?---No, sir. Contaminated stuff doesn't mean must be some asbestos in it, no. Contaminated mean some bricks, some plastic, some - - -

And when you say the intention was to operate a skip bin business from there - - -?---That's right.

Is that your evidence?---We fill out the application. We went to Blacktown Council. They ask for many stuff to do.

You went to Blacktown Council to fill out a development application, is that correct?---Yes. Many times.

Did anybody help you with that development application?---Where? When we fill it out, you mean?

When you moved to Bandon Road - - .---Mmm.

- - - you just said you went to Blacktown Council and filled out a development application. Did anybody help you fill out the development application?---Yes.

10

Who?---Craig.

Craig helped you fill out the development application?---Yes.

So he helped you fill out the development application at - - -?---Yeah.

- - - Reuben's place and then he helped you fill out the development application - - -?---Yes.

20

- - - at Bandon Road?---That was at the beginning.

At the beginning of what?---Of that yard at Riverstone.

Why did Mr Izzard help to - - -?---Because his experience, you know. Just fill in the application and just advise us, like not helping me by take money to approve it for me because I can't do that.

30

I didn't say that he took money from you. You just suggested that.---No, no, I just - okay.

Well, I'll ask you now, did Mr Izzard take money from you in return for assistance with a development application?---No.

Did he say that he knew anybody in Blacktown Council that could assist with the development application?---No. Actually he, he rang someone at Blacktown Council. I don't know, I don't remember the name, and ask him what's the best way to do it.

40

What happened with the development application for Bandon Road?---We went there, tried to lodge it in. They said no, you need some other things to be done.

And what was the development application for, was it for a waste - - -?
---Skip bin.

Skip bin was it?---Yes.

Do you know who Angus McVay is?---Who?

Angus McVay?---Yeah, he's the owner.

He's the owner?---Yeah.

All right. Were you here when he gave evidence?---No, but I heard.

You heard. What did you hear?---I heard he was here.

10 You heard he was here. And so if the intention was to create a skip bin business that would involve bringing skip bins onto the property and sorting through the waste in the skip bin and taking the skip bins back off. Is that correct?---That's right.

And that's what you set out to do at - - -?---Yeah.

You didn't operate a skip bin business at Reuben's place did you?---No, I didn't.

20 Well, you just told the Commission that the reason why you moved, the reason why you leased the place at Bandon Road was because you could no longer tip material at Reuben's place.---I did.

So - - -?---But that doesn't have to be like tipping material, I mean dumping soil. Skip bin business will do the same job.

30 So a skip bin business and dumping loads of material is the same thing in your mind?---Mr Mack, wasn't, wasn't – we didn't attempt to do – to dump soil there. The purpose was to start a skip bin business. First we move there. It start raining. There become like big dam and needs maybe two weeks or three weeks sunny days to dry.

Right.---Then my brother and - - -

Who's - - -?---Fred spoke to Angus about the yard. Said what about if you bring some soil and level it, lift it up a little bit so make the water a way – like a way for the water to go away.

40 All right.---And he accept that and even my brother said to him we're going to bring some dirty loads, some – and the guy accept it.

Your brother said – so who is your brother?---Ahmed.

And you say that he said to Angus McVay - - -?---To Angus, yeah.

- - - that we're going to bring dirty loads in?---We're going to bring some loads in, it's got like bricks and that, this and that, just to – he said no problem.

That's a lie isn't it?---No, it's not. Even more than that my brother said I'm going to bring whatever but I will do it double handle. He said as long as you give me the money, for the rent I mean, and that's your responsibility what is going to happen with the council.

So how many loads did you bring in?---Where, to that yard?

Yeah.---Over 400.

10

Over 400. And how many tonnes in a load?---I don't know. It wasn't me. Somebody bring it there.

Oh, somebody brought it in?---Yeah.

Did you let the bring it in?---Yeah, that's part of the deal between us.

So you've got no idea who brought the material in?---Yes, I do. Fred brought the material in.

20

Brought 400 loads of material?---It may be more. I've got the record. At home I've got the, everything, every truck load's rego number and everything.

All right. And because Fred was doing you a favour you wouldn't have charged him for it. Is that how it worked?---No.

You did charge him for it?---Fred, he's the one who found out in the first place.

30

Fred was what?---He found out on a line because Fred got a job maybe eight minutes away from this yard over 1,000 cubic metre or 2,000, I'm not sure, and he found the yard and he spoke to my brother about it and we went there, we rent it and even he gave us the money for the bond.

And you didn't – did you talk to Mr Izzard about renting the property?---I think so.

40 What did you say to Mr Izzard about the property?---I said can we get, like, a DA approved for it? Is that possible? Like, any problem? Is the zoning good for this?

Did you know that Mr Izzard was recently being moved to the Blacktown area?---Yes, I knew.

So was Mr Izzard going to help you at your new tip, was he?---Help me in what way?

Well, did Mr Izzard help you in relation to your new yard at Bandon Road?
---He didn't help, like, in – he didn't help, like, he done something. Because
when we got the yard, we got it from the owner through the agent, real
estate agent. Then too many conversation between me and him about how
to get the yard approved.

Did you speak to Mr Izzard before you signed the lease?---Yes, I think so.

10 Did you need Mr Izzard's help before making a decision about signing the
lease?---Yes.

So if you didn't have Mr Izzard's assistance, you wouldn't have signed the
lease, is that correct?---Assistance in what way you mean?

Well, you tell me.---Assistance, like, is it possible to get DA for it? Is there
any problem with the zoning? It's all right? Just like that.

20 So you thought Mr Izzard was going to help you with the DA?---Yeah, it's
not going to, like, (not transcribable), this and that, that's it.

Did Mr Izzard know that you were bringing loads of dirty fill into Bandon
Road?---No, no.

Did he ever tell you to – so you never told him that?---No.

And what do you think his reaction would have been if you told him that
you were bringing dirty loads into Bandon Road?---He would have stopped
me for sure.

30 Would have stopped you for sure?---Mmm.

All right. I'm going to take you to a few phone calls. The first one's from
11 September, 2015. It's phone call 1-3-8.

AUDIO RECORDING PLAYED

[11.02am]

40 MR MACK: What did Mr Izzard mean by "I look after that area now so
you'll be right"?---Probably mean like if we're going to get the DA or
something.

Because Mr Izzard is in charge of investigating illegal dumping in the
Blacktown area you'll get a DA?---But that was at the beginning and wasn't
any intention to dump soil there or something.

So the intention at that point was to get a development application, is that
right?---That's right.

Well, did you get a development application for dumping soil there?---No.

But you still dump soil there?---Yeah. But the, the owner got DA for the place.

The owner got a DA for the place, how do you know that?---The owner of the, of the property.

10 How do you know that?---He told me.

He told you?---Even before us a guy was there, he's name George or somebody, was the company name – he's got a company who was doing something there. All his machines and trucks which was – the property was DA.

Did you discuss leasing a property with Mr Izzard on any other occasions?--
-We spoke in too many occasion about this but - - -

20 Too many occasions?---Yes, too many.

How many?---Four or five, ten maybe.

Ten, maybe ten occasions you spoke to Mr Izzard?---Yeah. Just regard on the DA approval of the application because that guy, Fred, he was putting pressure on us, on my brother was to get the place, to get the place. We didn't know why in the beginning but after we found out he got a job just eight minutes away from the yard.

30 Who got a job eight minutes away?---Fred.

Fred?---The one who was here the other day.

And so how come you had to discuss with Mr Izzard on ten separate occasions the lease in relation to Bandon Road, what was said on those occasions?---Just how we're going to apply it, how we're going to get the DA, how we're going to do this and just like questions, advises.

Advises?---Yes.

40

Didn't occur to you to go to a lawyer to get advice?---A lawyer?

Yeah?---This one's got nothing to do with lawyers or (not transcribable)

So you were quite happy to accept the advice of Mr Izzard?---Yeah.
Because he was, worked for the Council.

Was his job to give advice on development applications?---I don't know, maybe. Because everybody does.

Everybody does?---Yeah. And the Council people.

So is it your evidence that Mr Izzard gave you advice up until the point when you signed the lease and then had nothing to do with the property after that?---In, in what way nothing to do with the property?

10 Well, you tell the Commission. After you signed the lease - - -?---Ah hmm.

- - - and you filled out a development application what was Mr Izzard's role in relation to the Bandon Road yard?---Well I did ask him how to fill it out and how to lodge it, if he knows someone in the Council can help us and he spoke to someone and he ask them how to do it. He told him how to do it. Then we fill it out the DA. Me and my son we took it to Blacktown Council. They didn't accept it because there was something, ah, the application not complete.

20 So you didn't have a development application?---I didn't know.

And you kept bringing in soil, is that correct?---Yeah. After when we found out the yard was, when it rained like too much water, you can't operate. Then Fred show up. He said I've got soil. Then we spoke to the owner. We got the owner - - -

Did you speak to Craig, did you speak to Mr Izzard about it the place filling up with water?---Water?

30 Yeah?---Yeah.

What did you say to Mr Izzard about the water?---I don't remember. But I told him but I forgot what I said exactly. As I said to you we spoke on too many occasion about this.

Going to play you another phone call, from 14 December, 2015. It's call 1-7-9.

40 **AUDIO RECORDING PLAYED** **[11.10am]**

MR MACK: Can you recall meeting up with Mr Izzard after that phone call?---Yes.

What did you say to him?---Just regarding the yard.

Just regarding the yard?---Yes.

All about the development application?---Yes.

Did you tell him that – did you mention anything about bringing dirty loads of soil into him at this stage?---To who?

Did you mention to Mr Izzard - - -?---No.

- - - before you signed the lease that you intended - - -?---Excuse me.

10

Did you mention anything about dumping soil at Bandon Road?---Probably after. But when we start, no. At the beginning, no.

Well, why didn't you tell him that you wanted to dump soil there?---Because I didn't want to – the purpose was a skip bin business.

20

Well, it wasn't a skip bin business because you weren't operating a skip bin business at Reuben's place. And you told the Commission that the reason why you bought the road at Bandon Road was so you could continue your dumping business, because you could no longer dump at Reuben's place.

---Well, Mr Mack, I remember saying that to you. I do remember I said a skip bin business or dumping soil almost the same, same job, same money. If we can do it properly and legally, why not? That was the purpose to get this yard.

What type of assistance was Mr Izzard going to give you in relation to the development application?---Just advices.

30

Just advices?---Yeah.

Did he know anybody at Blacktown Council?---Yeah, he does. He spoke to someone over there. He ask them a question how to do it and what's the best way and things like that.

Were you in the courtroom when Mr Beydoun was giving evidence?---Yes.

He said he paid you to push an application for him at council. Do you recall that evidence?---Yeah.

40

Do you know what he meant by push?---Yeah.

Did you pay Mr Izzard to push an application for you at Blacktown Council?---No. Even Craig doesn't know about any money about this. I'm not trying to - - -

We'll get onto that later but I want to stay with Bandon Road before we go to Bellfield.---Okay. No problem.

I'm going to play you another call – two calls in fact from 12 October. The first call is 9-3-2 and the second call is 9-3-9.---Is it in Arabic?

No, it's in English between – the first one is a phone call from you to Mr Izzard.

AUDIO RECORDING PLAYED

[11.16am]

10

MR MACK: Just before the next call, just before the next call is played, can you recall going to Blacktown Council and lodging the application?---Yes.

How did you lodge it?---We went there to lodge it, me and my son, and when you go, you go to the planner, a guy called, they call him the planner and he'll explain to you received the application complete or something need to be done.

20 So did you submit it, did it get lodged?---We try to but the guy didn't accept it. He said some other things need to be done.

What did he say needed to be done?---Like architect stuff and - - -

Like what architect stuff – and just to be clear, what was the development application for?---Skip bin.

Skip bin and by skip bin you mean – do you mean skip bins full of dirt? ---Full of dirt?

30 Yes.---A skip bin extension that mean it's – they call it – the right word for it transfer station. That mean you bring skip bins, you sort it out inside and then we take it back to a tip or something.

But you say that's the same as what you're doing at Reuben's place?---No. I never said I was doing - - -

Well, what were you doing at Reuben's place then?---Glasshouses.

40 You were dumping material at Reuben's place.---Yes, yes, yes.

You pleaded guilty to that.---I did.

And - - -?---But at the time we didn't - - -

You could no longer dump at Reuben's place so you had to find somewhere else to dump didn't you?---Sir, it wasn't there on purpose. I told you - - -

That's what - - -.---I don't know why you're not believing me but - - -

That's what Ali told us. Ali said the reason - - -.---I don't care about what Ali said or anybody said. I'm just telling you what happened with me. The reason we took the place to start a skip bin business. I've got kids and my brother got kids and they – we just keep them away from the street, that's all, because that Ali and my son he was, you know, we suspect he's taken something then we had to do something and for him give him - - -

10 How much did you charge somebody to tip a load at the Bandon Road yard?---Well, it depends.

How much?---200, 300, 400.

And there's over 400 – you say there's over 400 loads that went into Bandon Road?---400 that was for Fred.

How many, how many – well, how many skip bins did you bring into the place?---A few because when I - - -

20 How many?---A few.

Like five?---Three or four.

Three or four. Three or four skip bins and then you say that Fred bought over 400 loads of - - -?---That's right.

- - - material, soil?---Yeah.

30 And are these truck and dogs or are they bogies or - - -?---Sometimes truck and dog, sometimes bogie.

Do you have any idea how much material was brought into the Bandon Road yard straight after you moved in?---Three, four hundred loads.

Mr McVay told us that there was over 13,000 cubic metres, which is over 20,000 metric tonne. Does that sound about right?---I don't think so.

40 Less than that or more than that?---I'm saying, like, three, four hundred loads. I don't know how much is that.

That's for Fred. How many other people were tipping there?---Oh, very few. Not many.

So did Fred have over 50 per cent of the material there?---More.

More? How many? How much per cent?---80 per cent.

80 per cent.---And whatever he was saying, he (not transcribable).

There's over 13,000 cubic metres of fill at Bandon Road yard that you leased. Mr McVay said it's going to cost \$9 million to fix up.---No.

And you're telling the Commission that you intended to start a skip bin business at Bandon Road. Is that right?---By my part, yes, that's right.

And you brought in three skip bins in total to Bandon Road?---A few, yeah. Four, five.

10

Four or five skip bins. It was never the intention to start a skip bin business at Bandon Road, was it?---At the beginning, yes, it was. But after - - -

After what?---After, when we found out the yard need to be lifted up a bit, because of rain, Fred gave us an idea. We'll bring that, and we need to bring the soil here to lift it up, fix it up for you.

In that phone call - - -.---Under one condition. If the owner accept it, give us his permission.

20

In that phone call I played you earlier, Mr Izzard quite clearly said that you needed a DA for the place.---Yeah.

Do you recall that?---Yeah.

And that DA was for a skip bin business, is that correct?---Yeah, that's right, yeah.

30

And so Mr Izzard would never tell you to operate any business there without the DA, is that right?---Yeah.

Can you recall if Mr Izzard ever told you to operate the business you wanted to operate at Bandon Road without a development application?---I'm not sure if he said something like that.

It would be unusual, wouldn't it?---Yeah, of course.

I'll play you call 9-3-9 now, on 12 October, 2015. This is the same day you're at the council lodging (not transcribable).

40

AUDIO RECORDING PLAYED

[11.23am]

MR MACK: Was Mr Izzard telling you there to start your operation at Bandon Road even though the development application hadn't been put through?---That phone call was about the start fixing level of the place.

Start levelling the place?---Yes.

So Mr Izzard said to you on 12 October, 2015 he was giving you permission to start levelling the place?---Yeah, because the guy – the owner got DA approved and we got his permission. Why not?

So Mr Izzard knew you were going to start bringing in truckloads of waste?
---I think so.

10 You think so? Well, you have to be certain about this. Did he know or not?---Yes, yeah, he does.

He did know?---Yeah.

Well, how many loads did you tell him were going to be brought into Bandon Road.---We didn't spoke about that clearly but I said some loads we'd be bringing in.

20 How many?---We didn't say how many or - - -

Did you tell him why?---What do you mean?

Did you tell him why you were bringing in the - - -?---Yeah, just to level.

Just to level? And he had no problem with that?---Doesn't seem like it, because he knew the guy got DA and we got his permission.

Did you tell him you were going to bring in dirty loads?---No.

30 Did you tell him that you'd be charging people to dump loads there?
---Yeah.

You told Mr Izzard that you'd be charging - - -?---No, I didn't tell him but he knew and everybody knows.

He knew? Well, how do you know?---Everybody does.

40 Everybody does know that you charge money to dump?---Yeah. In this industry, and virtually everybody charge money to do this to do that. Nothing for free. And because we were paying \$8,000 something a month stay over there.

Mr Kabite, I've got a lot of material to get through. It would assist the Commission if you gave consistent evidence and told the Commission exactly what your discussions with Mr Izzard related to in relation to Bandon Road?---Okay.

Well, you've already told the Commission that he knew that you were taking loads in there?---Mmm.

And he knew that you were charging for it. The next question is why did he know and why didn't he do anything about it? Do you know why?---To be honest, I don't know.

You don't know?---No.

10 Got no idea?---But what I told him was just for levelling not to – for business to make money.

That's not true, is it?---Well, yes it is, sir.

Well how did he know that it was - - -?---Mr Mack, everybody knows about this industry. Truckload you take anywhere to dump, you have to pay for it.

20 Usually you go over a weigh bridge and pay somebody who's operating - - - ?---That's usually, that's the legit way but there's too many jobs and too many farms people dump them on the farm or the yards.

So you weren't operating a legit business at Bandon Road, is that correct?--- I wasn't?

Was your business at the Bandon Road yard legit?---Not what I was doing (not transcribable) - - -

30 Was it or not? You've got protection here Mr Kabite, you can tell the Commission the truth?---I'm not, I'm not going to lie to you. It's just trying to explain to you, so you know what was going on. The purpose was do a skip bin business.

Yes, and you bought in - - -?---Then water, we found out that he had, want to try and become like a dam. Then we come up with the idea, that guy Fred he said, well, I'll bring some loads. You cover your end. We'll get rid of some loads. Then we start off like that we thought maybe a 50, 60, 70 then it goes all the way.

40 Was it a legit operation or not?---No, it wasn't clean. It's legit to bring some dirt into level or something because you got the right DA already.

You pleaded guilty in relation to Reuben's place for an operation that wasn't legit?---Ah hmm.

Was the operation at Bandon Road legit?---In my opinion, yeah, it was.

It was?---Because as I said the owner got DA for the place. And we got his permission to bring some and he said no problem. And then we start doing it. But it wasn't legit because we were bringing too many and it's not clean.

So you accept that you bought in waste that wasn't clean?---Mmm.

And you bought in too much?---Yes.

You accept both of those things?---Yeah.

10

And how much of it wasn't clean?---Some of them were very dirty but they, they weren't on the top, not, somewhere on the side.

When you say "very dirty", what do you mean?---I did like demolition, building waste, things like that. Trees sometimes.

Trees?---Yeah.

Asbestos?---Some of them got asbestos, yeah.

20

How many?---Not many.

How much would you charge for a load of clean material?---That was between Fred and my brother.

What was between Fred and your brother?---Charging the money and stuff.

So you never said to anybody that you charge more for a dirty load?---Yeah.

30

You do charge more for a dirty load?---Yeah.

Well how much more would you charge for a dirty load?---No more, no more than five, 600.

And how much for a clean load?---Dirty does that mean dirt with some bricks in it and stuff like that.

That's what you mean by dirty?---Yeah.

40

And if somebody said they've got a load of – that contains asbestos, how much would you charge?---No one, no one say he's got asbestos in it.

Did they use the word chocolate instead of asbestos?---They say something like that, yeah. Chocolate, they get called names. But one comes there you know if too many know.

What other code names do you use for asbestos, do you use the word parsley? Have you ever heard that as a code name for asbestos?---What is that?

Parley?---Parsley?

It's a herb?---No.

10 If somebody said they were going to bring you a load of parsley would you know what that meant?---I can't recall.

All right. But chocolate - - -?---Like too many people – no, no, it wasn't called for and they would say chocolate and (not transcribable).

And what?---(not transcribable) in Arabic. I don't know how you would say in English.

Is that, that's a type of herb, is it?---Yeah.

20 A garnish?---Yeah. Something like that, yeah.

Mr Kabite, just before the morning adjournment, are you currently employed anywhere?---No, I'm not.

Well when did you stop working?---A long time, 2008 maybe.

2008. So you haven't worked for anybody since 2008, you haven't worked for yourself since 2008?---(No Audible Reply)

30 But you accept you were getting paid for doing this type of work?---Sir, they are for my brother and Fred not me. I was there just to do the talking because my son wasn't here and my son was still young. I didn't know what to do and I got connections with this guy and this guy just - - -

You've got connections - - -?---Yes.

- - - with this guy? Did you point at Mr Izzard when you said that?---Yeah.

40 You've got connections - - -?---Connection means to get advice or, you know, my son can do that or my brother.

Commissioner, I note the time.

ASSISTANT COMMISSIONER: Yes. Well we'll take the morning tea adjournment for 20 minutes.

SHORT ADJOURNMENT

[11.31am]

ASSISTANT COMMISSIONER: Mr Kabite, you're still on the same affirmation to tell the truth.---Yes, sir.

Yes, Mr Mack.

10 MR MACK: Mr Kabite, just before the morning adjournment I was asking you questions about certain code words you were using and you said that chocolate stood for asbestos and there was another word that translates into English - - -.---Yeah.

- - - as parsley for asbestos as well.---Some herbs, yeah.

Were you in the courtroom when Mr Beydoun was played a telephone conversation between you and him and you spoke of a cup of coffee?---Yes.

Is that code for - - -?---Money, yeah.

20 It's code for money, and is it code for a bribe?---Yeah, something like that.

Do you have any other code words for money?---No. Usually they say coffee, you know, or drink or - - -

Coffee or drink, and how often do you speak in code using the words coffee or drink?---Not many times, just - - -

Just in relation to Mr Beydoun?---Yeah.

30 Do you know if anybody else uses the same code, is that well accepted, do other people in the industry use - - -?---Yeah, everybody use this.

So use - - -?---A coffee or drink, that mean money.

All right. And why do you use those code words?---(No Audible Reply)

Sorry?---I don't know. Just he was like everybody else.

40 So would you say that there's a lot of illegitimate dealings in the industry? ---Yes.

And when I say the industry I mean the dumping industry.---Yes. A lot of lies too.

A lot of lies. I'm going to play you a phone call from 13 October, 2015 and it's call 9-7-7.

MR MACK: Mr Kabite, just pausing on that last page there where it says, "Your drink ready anytime Craig", that's a reference to a bribe isn't it?

---That's the phone.

10 No, because the next sentence from Mr Izzard is, "No, how did your phone man go?" So he's saying I'm not talking about the drink I'm talking about the phone.---Yeah, that's the phone, the iPhone.

It's the phone?---Yeah.

All right. So the phone was a drink was it?---Similar.

Similar. So you got Mr Izzard a phone – before you agreed – sorry, I'll start that again. Before you agreed with me when I said that you used drink - - - ?---A coffee or drink, yes.

20 - - - for a bribe and here you are telling Mr Izzard that his drink's ready at any time so you bribed, you were bribing Mr Izzard?---It's, it's, it's not like, it's not like exactly a bribe. It's like, you could say favours or - - -

So would you and Mr Izzard often talk about drinks?---I'm not sure.

Well, would you – did you ever go to a pub and share beers with Mr Izzard?---Not really.

30 No. Okay. I'm going to take you to page 1 of that same call. And you ask Mr Izzard, "So what do you want me to do? Keep going or - - - ?" Keep going with what?---That's what I'm trying to think about. I'm not sure about what. Probably about keep going work or something.

Keep going with work?---Work, yeah.

At Bandon Road? And by work do you mean dumping material?---Yeah.

40 So your recollection of this phone call is you're asking Craig whether or not you should keep going with dumping material.---Mmm.

And then Mr Izzard says, "No, no. Yeah, keep going. You're all right. Keep going. Yeah, no, it's all good."---Mmm.

So did you need Mr Izzard's permission before you kept going?---No, because that morning I remember council guy from – not from Blacktown, from different council, came there asking questions or something. Because they found, somebody dumped rubbish on the road.

Well, I'll play you the call before. That might refresh your memory. This is call 9-7-0, from 13 February, 2015, and it's before the call I just played you.

AUDIO RECORDING PLAYED

[12.02pm]

10 MR MACK: Does that refresh your memory about what happened earlier in the day?---Yeah, I told you.

So there was a dump somewhere else on Bandon - - -?---Dumping rubbish on the road, yeah.

Was it common for Mr Izzard to share information about other jobs he had in an area with you?---Well, only that street, because I got the yard there.

Sorry?---Only in that road.

20 Do you know why - - -?---Once somebody dumped rubbish right on the gate. Someone done it on purpose to get the council - - -

Do you know why Mr Izzard would call you in relation to other jobs? ---Yeah, obviously he's asking me if I know anything about this load.

I'm going to play you another phone call now. This is a few days later on 16 October, 2015. It's call 1-0-8-5.

AUDIO RECORDING PLAYED

[12.05pm]

30

MR MACK: The reference there to getting a drink with Mr Izzard is another reference to you giving goods to Mr Izzard or paying Mr Izzard? ---No, not paying. No money.

You say it's the iPhone do you?---Something like that, yeah.

Something like that. Well, if it's not an iPhone what is it?---iPhone.

40 iPhone. Are you sure it's not money?---Probably was the money I owe him for the power units or something.

So you owe Mr Izzard money do you?---Yeah, not me, the people who bought the stuff.

But that was – what did you owe Mr Izzard money for?---Power units.

Power units. Did Mr Izzard sell power units?---Yeah.

Are these power units for fridges?---Yes, for cool room and stuff or - - -

How many of them did he sell to you?---Probably about three or five. I'm not sure.

Three or five?---Not to me. I sold it to someone.

And was there anything illegal about these power units?---No.

10

Completely legitimate power units?---Yes. That's what I've been told. I don't know.

Well, why didn't Mr Izzard say – instead of saying can we get a drink today why didn't he say can you please give me the money for the power units that you owe me?---Probably, probably I, I, I promise him the day before or something to get some money for him for that stuff. I'm just confused. I don't remember exactly how.

20

So Mr Izzard knows what a drink is then?---Obviously.

So he wants drinks from you and when he uses the word drinks he means money?---(No Audible Reply)

You need to speak into the microphone.---Yes.

You're nodding your head.---Yes. Excuse me.

30

Before you were telling me – you were about to tell me about Mr Beydoun and money that you received from him. Do you want to tell the Commission about that now? How much money did you receive from Beydoun?---10,000.

10,000? He says 40,000.---It's lies.

Only 10,000?---Yeah.

And you accept that you agreed with him to push his application through Liverpool Council?---Yes. Yes.

40

And did you try and get Mr Izzard to assist with that?---Yes. (not transcribable) advices.

Advices?---Craig, he doesn't know. It's not a lie or anything. I'm just telling the truth. He doesn't know about this money.

Doesn't know about this money?---At all.

Telling the truth?---Yes.

So Mr Beydoun paid you \$10,000 - - -?---To push his application.

And you told him - - -?---Because I told him I've got connection.

And Craig was going to push it for free, was he?---Craig was helping just to get it approved, which way better, this and that. But honest to God he doesn't know about the money.

10

And you made \$10,000 by holding Mr Izzard out as somebody who could push an application through council, is that correct?---Yes.

Has Mr Izzard ever threatened you?---No.

So you were making money off your connection with Mr Izzard?---Yeah. Without him knowing.

20

And you expected Mr Izzard to push something at council for somebody else, for no money?---Pushing in what way? Craig, he doesn't know anybody in this, like, he can't help us get a DA app.

Why would he do it, though?---Because I ask him how to do it, and I used to say, "This is my friend. This one is important to me," this and that. That's all.

30

But you're Mr Izzard's friend, so he does favours for you because you're friends?---Something like that. But I used to ask him, like, innocent question. I never said, "I'm going to get this money from you to get you this or that." But I used to say to people I've got a connection. And that's the truth. It's not lying about this.

I'm going to play you a series of calls in relation to Mr Beydoun. But before I start, can you tell me precisely what involvement Mr Izzard had with the development application at 30 Bellfield Avenue, Rossmore?---Rossmore?

Yes.---That's the one, yeah, that's the one - - -

40

With Mr Beydoun. I've shifted away from Bandon Road now.---Yes, yes, yes. That's the one we fill up and Craig helped just fill them up and - - -

Craig helped fill it out?---And he found out the zoning for us. And obviously he told me it's not - this zoning area doesn't carry that. But we give it a try anyway. We tried that, didn't work.

And he did all this work for free?---Who?

Mr Izzard.---Yeah, obviously. I ask him a question and he give an answer.

Did you tell him to go out and meet the owner of 30 Bellfield?---Maybe.

So you went out and – why did you do that?---I don't know. Just, you can refresh my memory.

Well - - .---Because as I said to you before, we had too many conversations, me and Craig.

10 All right. I want you to try and remember the very first conversation you had with Mr Beydoun. You know Mr Beydoun?---Yeah. Well, too many conversations between me and him.

The first one?---No.

Can you remember going to his place at Horsley Park?---Mr Beydoun?

Yeah.---Yeah, many times.

20 Can you remember having a conversation with him there about moving to Bellfield?---Moving to Rossmore.

Rossmore. My apologies.---Yeah.

Can you remember having a conversation with him about pushing an application - - -?---Yes.

30 So that's one part of the conversation. What I want you to tell me about is the conversation you had with Mr Izzard in relation to Mr Beydoun moving from Horsley Park to Rossmore.---I remember saying something to Craig to go up there and check with this guy or something or – I remember something like that but not precisely.

Would he go out during work hours?---Who?

Mr Izzard.---I'm not sure. I think so.

You think so. So you would tell him to go to Rossmore - - .---Mmm.

40 - - - to 30 Bellfield and visit the owner. Is that correct?---I think so.

And he'd go out and do it?---Yeah. Just was to like check the zoning or something. I'm not, I'm not sure.

It would have taken a bit of time out of his day.---Obviously.

He wasn't getting paid for it from you.---No, no.

I'll play you a call from 3/11/2015, call number 1-6-6-0.

AUDIO RECORDING PLAYED

[12.17pm]

MR MACK: Just before I go onto Rossmore, what's the business about the bins?---He saw a bin on the road - - -

10 Right.--- - - - full of something. Again he called me about it and then I called Beydoun. He went there and he got it.

And who took the bin, sorry?---Beydoun.

Beydoun took the bin? So was there ever talk about you keeping the bin?
---No, Beydoun keep the bin.

Beydoun kept the bin.---He's in this business.

20 Was it his bin?---No, but he said it's a friend of his, and he rang him and he told him about it.

Did Mr Izzard want the bin for himself?---No, no. He doesn't want it, but he said it cost money to do this, this and that, but - - -

Can you recall if Mr Izzard asked you to paint over the bin so it didn't say Bingo anymore?---I think so.

30 You do think so or you don't think so?---I think so. Yeah, he mentioned something like that, yeah.

Why would he want you to paint over a bin that says Bingo?---Because it wasn't right. Somebody saw it on the street.

Wouldn't the logical thing be to call Bingo or try and find the owner of the bin?---I don't know.

40 Did you ever pick up rubbish for Mr Izzard and not charge him?---No, I just got this guy to drop a bin for him, that's all.

You got what guy to what?---Beydoun guy.

Yeah?---He dropped a small bin for him, a house. That's his house.

At whose house?---Craig.

Mr Beydoun dropped a small bin at Mr Izzard's house?---No, we dropped that. But we got it from Beydoun.

And did Mr Izzard fill it with rubbish?---I don't know. After that I never see Craig after.

You didn't go and pick it up?---No.

Somebody you know go and pick it up?---I don't know if they did. But I know it wasn't me.

10 So it could still be there?---It could be still there, yeah.

I'm going to play you the next call, from 3 November, 2015. Call 1-6-6-2.

AUDIO RECORDING PLAYED

[12.22pm]

MR MACK: Did you want Mr Izzard to go to 30 Bellfield and try and kick out the people that were already there?---No, it wasn't like that.

20

What was it like?---Just to check the zoning or something. But I've been told by Beydoun, this guy he doesn't want to leave because signed the lease or something. Then I told Craig that, obviously.

Mr Izzard, in your opinion, was going out there to just check what?---The zoning.

What the zoning was?---Yeah. And - - -

30 How would he find that out by visiting?---Talk to the owner.

Talk to the owner? Okay. Why couldn't he look it up on a computer?---I don't know.

Don't you think the owner would already know what zoning his house was?---Well, it was a bit complicated because Mr Beydoun doesn't know what's going on and the owner, I haven't spoke to him or anything but - - -

40 Did the owner ask Mr Izzard to come around?---I don't know.

Do you know who the owner is?---It was Nick something.

Nick Kolovos?---Something like that, yeah. I heard the name but I don't know him. But I saw him here the other day. But I never met him before.

You don't know if Mr Kolovos knows Mr Izzard, do you?---Sorry?

Do you know if Mr Kolovos knows Mr Izzard?---Well, obviously he doesn't know him. Only when Craig went there to talk to him.

So he didn't – the owner didn't ask Mr Izzard to come out to his place and - - -?---I'm not sure. I have no idea.

The reason Mr Izzard was there because you told him to go and check what the DA was?---Yeah. Something - - -

10 What the zoning was, sorry?---Yeah.

Why didn't you just ring the owner?---(No Audible Reply)

Sorry, you need to answer my questions. Why didn't you just ring the owner?---Well, how am I going to ring the owner, who, who I am? I don't know (not transcribable)

Why didn't Mr Izzard just ring the owner?---Don't know.

20 But Mr Izzard wasn't out there investigating a complaint was he?---I'm not sure.

He was out there because you told him to go out there, that's right, isn't it? ---We spoke about it just to see if this zoning allow – can get a DA for it now and what's the story about. And Beydoun was telling me this, the previous guy, who was skip bin, he doesn't want to go out or something and arguing about this.

30 You know at the time that Mr Izzard was in charge of the Blacktown Council area in terms of his work?---(No Audible Reply)

Did you know that?---Yeah.

Did you know that this wasn't in the Blacktown Council area?---No, I didn't know that.

You didn't know that. All right. I'll play you the next call. This is call 1664, sorry, 1663 of 3 November.

40

AUDIO RECORDING PLAYED [12.27pm]

MR MACK: I'll play call, that's fine, that's 1664 you played. I'll play you the next call as well. It's call 1664.

AUDIO RECORDING PLAYED [12.29pm]

MR MACK: Now, that call was at 10.23 in the morning and then the next call is Mr Izzard calling you just after he's left at quarter past 11.00. So he's there for almost an hour talking to Mr Kolovos.---Mmm.

10 Does it strike you as unusual that Mr Izzard would take an hour out of his day to go and find out from the owner whether his property has got DA approval for a particular activity. Does that strike you as unusual?---Yeah, it is unusual.

It is unusual. But you definitely weren't paying Mr Izzard any money to do – to go out and do it?---No.

No. Okay. All right. Well, I'll play you the next call from 17 past 11.00. This is Mr Izzard calling you. It's call 1-6-7-0.

20 **AUDIO RECORDING PLAYED** **[12.31pm]**

MR MACK: Do you know who Frank is?---Yeah. A council officer.

A council officer. Do you know if his surname is Bono?---Yeah.

So what was Craig going to tell Frank?---Sorry?

30 Do you know what Craig was going to tell Frank?---I don't know. He said found out what's going on or something.

But he was there to find out from the owner whether or not it had been approved for a certain activity. That's what you told the Commission, Mr Izzard went there to find out from the owner whether or not the site had approval.---Yeah.

What's Frank got to do with all of that?---I don't know. He mentioned it, because he said Frank was looking after this area. So he's going to call me and find out what's going on with this place.

40 And what did Mr Izzard mean by "You won't get nothing out of him"?
---That mean he won't get approved or something.

This is page 2, at the bottom of page 2. "But, mate, old fellow sat me down. Mate, he hasn't got anything, mate. He, he, you won't get nothing out of him." What was that a reference to?---That mean he won't get it approved.

Won't get any money out of the owner?---No, what for? Won't get it approved, because I was so insist to get this place approved. So we took money from Beydoun.

Instead of the owner? You took money from Beydoun instead of the owner?---No, the owner's got nothing to do with the money. The owner just – a guy was there before these people. Then they were waiting till Roy leaves so they can take their stuff in.

10 But part of the reason why you were getting money was to get Roy out, wasn't it?---No, no. It wasn't the deal. I'm – it wasn't to get – because Roy was going anyway. But I don't know what I said to Beydoun about it. I forgot exactly what I said but it was something like that, yeah.

It was something like that? You said something like that to Beydoun, that you'd help get the other guy out?---Yes, yes, yes.

And did you say that the council guy, that being Craig, would help get the other guy out?---Maybe.

20

Maybe. And did you tell Mr Izzard that he had to help get the other guy out?---No, I just said, I don't know (not transcribable) because the owner wants them out. And we have to (not transcribable) these people in. And that's it.

So what was Mr Izzard meant to do?---Go there and check if this guy going or not.

30 And also see if he could get the other guys out?---Well, he can't. By law he can't kick him out because - - -

Why can't he kick him out?---He's not the owner. Craig not the owner.

Yeah, but he's got certain powers because he's in council, hasn't he?
---Yeah, he's got a power for something specific, not for everything.

He's got powers in relation to skip bins, for example. Do you accept that?
---Skip bins?

40 Yeah.---What do you mean by that?

Is it your understanding that Mr Izzard had powers in relation to operating skip bins at particular sites?---No.

No.---Mr Mack, what I told you before was I admit that I asked Craig for his help even if we have to pay some money for someone in the council. Not going to lie about this, but didn't go through.

So you told Craig that you needed him to help even if you have to pay money to someone else in council?---I do anything, I said, just to get it approved.

Did you know if Craig knew anybody else in council who needed money?
---No, Craig said to me clearly, things like that doesn't work with council people because they've got rules, zoning and, you know. But he was helping by giving me advices, what to do, and that's it.

10 Why?---As I said to you, because, um - - -

That's a lot of work for an iPhone.---You could say that. Some people like that. If you someone, like, kind of person if someone done a little favour for me, I will do anything for him. And some other people like me. And the guy was, um - - -

Did Ali Abdul-Rahman do a favour for you?---Like what?

Give you \$18,000?---Yes.

20

And what did you do in return for him?---What did I do?

Yeah.---What do you mean, what did I do? I borrowed this money - - -

Well, what did you do? You said if someone gives you a little bit, you do a lot for them.---No. Wasn't like that. Ali has got nothing to do with, um - - -

All right.---The \$18,000 has got nothing to do with Craig or anything.

30 All right.---It was borrowed money, that's it.

We'll come back to that. But before we do I'll go to November 3, the next conversation, which is – sorry, just bear with me. Phone call 1-6-7-5 between you and Mr Izzard. It's 3 November at 11.35.

AUDIO RECORDING PLAYED

[12.41pm]

40 MR MACK: So when you picked up the full bin - - -?---I didn't pick it up.

You didn't pick it up but did somebody pick it up?---Yeah, Beydoun.

Beydoun. Do you know if he charged you for it?---Charge me?

Yeah.---No.

It was free was it?---No, the bin is not – does not belong to me. It belongs to someone they know.

Who took it out to Mr Izzard's place empty?---No, we took another bin (not transcribable) - - -

Did you charge - - -?--- - - - from Beydoun company. Was a new bin.

And who is we took it?---Who?

10

Yeah.---I took it.

You took it?---Yeah.

And who owned the bin?---Beydoun.

But you don't know if the bin has been picked up?---No. After that I didn't know what happened. Have no idea.

20 Did Mr Izzard get charged for it, invoiced?---Yeah, supposed to but they're not going to charge for it.

Why not?---Because I said so.

Why did you say so?---I said to them not to charge and they said okay.

Why?---Because the guy was helping with the application, filling out the application.

30 How much would, how much would a bin usually cost to drop off and pick it up when it's full?---I'm not sure. It was a small bin. Probably two, \$300.

I'll take you to page 5. Mr Izzard says at page 5 - - ----Excuse me.

- - - "So you want me to see if I can help you." Do you see that?---Yeah.

And then you say, "No, no, no, no, it's doesn't have to be – I don't know", et cetera, et cetera. Did Mr Izzard often offer to help you in relation to talking to other council guys, this is in relation to Mr Wilson - - -?---No, no,
40 it wasn't, it wasn't, it wasn't – when I went there I saw those people there then I rang Craig. I said two council guys here.

What was - - -?---And he misunderstood. He thought like I want to him to talk to them or something but - - -

Talk to, talk to who, Beydoun or the council?---No, the council.

The other – Mr Wilson?---Yeah.

But you didn't want him to talk to Mr Wilson?---No, no, he thought that I wanted him to talk to him but. Because they were there just to get – hand over some papers.

10 What did you want Mr Izzard to tell Mr Beydoun?---Well, when we start – from the beginning I told Craig that these people are important to me and wasn't any money involved. I didn't mention any money to him, that I took money or anything. (not transcribable) they're important to me and because I had a feeling they not believing that I'm trying to – I know someone or something and Craig – I rang Craig and I spoke with him and explained what's going on. He spoke to me in front of them. I put him on the speaker.

What did he say?---I just explained to Craig what happened and he just said, he said blah, blah, blah (not transcribable).

In relation to - - -?---To the application.

20 - - - 30 Bellfield?---Yes, yes.

So did he explain who was there currently?---Who was where?

At 30 Bellfield.---No, I was nothing to do with 30 Bellfield. I was trying to prove to them that I know someone in council and - - -

So Mr Izzard was happy to talk. And when you say them are you talking about Mr Beydoun and his partner?---Yeah.

30 What was his partner's name?---Abdul.

Abdul. So you were talking on your phone - - -?---Mmm.

- - - and were you on speaker were you?---Yeah.

And Abdul and Mr Beydoun - - -?---They listening.

They were listening?---Mmm.

40 Mr Izzard – and you, and you told them that Mr Izzard was the guy from council - - -?---Yeah.

- - - who was helping with the application?---Yeah, yeah. I didn't mention his name or anything.

So Mr Izzard was – what did Mr Izzard think he was telling them about?--- Well, I told him because these people here I'm trying to get – to help them. They not believing, this and that, and I want you to - - -

So Mr Izzard was happy to talk to - - -?---Yeah.

- - - people that were important?---No, he doesn't talk to them at all. He spoke to me. But they next to me listen.

So Mr Beydoun and Abdul didn't know that – sorry, I'll withdraw that. Mr Izzard didn't know that Abdul and Mr Ibrahim were listening? Is that correct?---No, he knew.

10 He knew?---Yeah. I told them just - - -

ASSISTANT COMMISSIONER: I'm just getting a bit confused about the bins. Earlier there was mention of a Bingo bin and a suggestion of the Bingo being painted over and the bin being delivered to Mr Izzard's place. ---No. No, sir. Craig found that bin on the road full of rubbish. And he rang me, said this bin here. I rang the owner and he said the owner, I don't know what he said to him. Do you want it? I said, no, what I need that for? He said something about he's got – something written on it. And we're talking about, like, (not transcribable) if you want it. But I didn't want it so I
20 have to call Beydoun. He went there, he picked it up. We took it to his house, then he gave us a new bin instead this one.

Okay. Thank you.---So I took it to Craig.

Yes, I understand. That clears it up for me.

MR MACK: Commissioner, this might clear it up as well, if I play phone call 1-7-1-4, from 3 November, 2015.

30

AUDIO RECORDING PLAYED

[12.52pm]

MR MACK: Can you recall if you met up with Mr Izzard the next day?---I can't recall, sorry.

And what was – what did you need to sit down and talk about?---The application.

40 The application. So it was Mr Izzard's idea to paint the bin and for you to keep it?---Yeah.

But instead of doing that you took the bin and then didn't paint it?---I didn't, I didn't take the bin.

Sorry?---Beydoun took the bin because I told him to and before he picked it up he rang the owner of this bin because they know each other, same job. And he said I don't want it, I don't want it, take it if you want. And he took

it to his yard and I ask Beydoun to give us another bin which is a good one from his bin, his own bins.

And you said to Mr Izzard "Use it whenever it's full give me a call, I pick it up, empty it and bring it back"?---Yes.

How often did you do that?---Well, I haven't done it (not transcribable) and nothing happened after.

10 I'll play you one more call. This is from 4 November, this is the next day. Call 1757.

AUDIO RECORDING PLAYED

[12.58pm]

MR MACK: What was the other number you contacted Mr Izzard on?--- Ah, just on another number, I don't know.

20 Why did you need to speak to him on another number?---I did ask him (not transcribable).

Why didn't you want to talk on this number?---(No Audible Reply)

Are you shrugging your shoulders?---Excuse me?

Are you shrugging your shoulders?---(No Audible Reply)

30 Why didn't you want to talk on this number?---I don't know. It was something about drinks or (not transcribable).

So you talked about drinks on another number. Why is that?---What do you mean why?

Why didn't – why did you have a special number to talk about drinks on? ---No, no. The guy got two numbers. Like I had three numbers before.

Right. Why did Mr Izzard have another number?---(No Audible Reply)

40 He had another number so you could talk about drinks on, that's right, isn't it?---Obviously.

And that's because you were giving money to Mr Izzard bribes?---No.

Well when you say "Then I'll pick it up off him was the drink", you were going to pick - - -?---Was the drink.

- - - the drink up off Mr Beydoun and then Mr Izzard was going to do the rest. That's what this - - -?---The rest of filling out the application, yes.

So Mr Izzard knew that you were getting money out the deal, didn't he?---I mentioned that to him but I didn't mention, I didn't mention that I got the money.

How much money did you give Mr Izzard in relation to Mr Beydoun's job?--Nothing.

10

Did you ever give him a drink?---No.

Did he ever pick up a drink from you in relation to Mr Beydoun?---No, no.

Are you telling the truth?---I am.

Commissioner, I might continue after lunch.

ASSISTANT COMMISSIONER: Yes. We'll resume at 2.00.

20

LUNCHEON ADJOURNMENT

[1.01pm]