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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 THURSDAY 8 SEPTEMBER, 2016

AT 10.10AM

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 propose to continue with Mr Kabite's examination.

ASSISTANT COMMISSIONER: Yes. Mr Kabite, you are still bound by the same affirmation you took. Yes, just take a seat. Thank you.

10 <NOSIR KABITE, on former affirmation [10.10am]

MR MACK: Mr Kabite, do you recall yesterday when I was discussing with you a phone call in which Mr Izzard said that he was pretending to investigate Bandon Road, do you recall that?---Yes.

And I think you agreed with me when I put to you that that was wrong for Mr Izzard to do.---Yes.

20 Were you ever worried that Mr Izzard would get caught pretending to investigate Bandon Road?---Yes, sometimes.

And why were you worried?---Because there was illegal dumping.

Because you were illegal dumping? And were you worried that if Craig got – if Mr Izzard got caught that you might get in trouble as well?---Yes.

Were you nervous?---When?

30 When you were illegally dumping?---Yeah, sometimes.

Was Mr Izzard nervous?---I don't know.

Did he seem afraid that he might get caught pretending investigating Bandon Road?---No, no.

No, he didn't seem afraid? Do you know Sam Abbas?---Yes.

40 Do you know Mr Abbas by any other names?---By other names?

Yeah.---No. Just Sam.

Do you know Ali Abdul-Rahman?---Yes.

Do you know Mr Abdul-Rahman by any other names?---No.

How do you know Mr Abbas?---From our industry.

From the industry? And how do you know Mr Abdul-Rahman?---Ali, it's a different story. We were friends for a long time.

Friends for a long time. I'll come back to that. Do you know if any cameras were installed on Bandon Road?---Yes.

Do you know if Mr Izzard installed cameras?---Yes.

10 For the purpose of surveillance?---Surveillance, yeah, because people were dumping on the road, on this road.

Did Mr Izzard ever share with you information about what had been captured on those cameras?---No, not really.

I'll play you a phone call. This is phone call 4-1-1-9, from 4 January, 2016.

AUDIO RECORDING PLAYED

[10.14am]

20

MR MACK: Do you accept that Mr Izzard was sharing information with you from the cameras?---I forgot about this one, yes, true, but that was when someone stole the gate from the yard.

All right.---A night before someone stole the gate or a couple of night before.

Did you have a conversation with Mr Izzard about the stolen gate?---Yes.

30 And did you actually - - -?---And they stole the cameras, yes, true. I remember now. It wasn't a lie. I didn't mean to lie but forgot about it, yeah, true.

Was there any other occasions where he shared information with you about the cameras?---Maybe, yeah. We spoke about the cameras many times.

40 Well, on other occasions why were you speaking about the cameras?
---Because people were dumping on the road night-time and once someone pinch our generator and they burned one of my nephew's car. We call the cops.

They burned your nephew's car, they took your gate and somebody was dumping on the side of the road?---Yes, yes, yes.

In relation to the dumping on the road, was that near your place?---Yeah, near the place.

Was it on your place?---No, near the place.

Well, why did that concern you?---Concern me?

Yeah, what did it have to do with you if it wasn't on your place?---Because it's on the road. One time just right on my gate was tyres and rubbish, like, demolition waste and furnitures.

Did you get any plate numbers from the photos?---No.

- 10 Did you ever follow up with any of the surveillance or anybody that was caught on the surveillance?---No.

What were you going to do if you found them?---I don't know. I do something.

Bash them?---No, not really. Not necessarily. Probably I call the cops. There was one that they stole the generator and the gate. We call the cops and they were there with – we had the cops there.

- 20 Why wouldn't Mr Izzard call the cops?---Sorry?

Why wouldn't it be Mr Izzard's responsibility to call the cops?---No, that was inside the yard, not outside. Generator when – this generator was in the office.

So you found out who stole the generator?---No, I didn't.

So who called the cops?---I did.

- 30 In relation to the stolen generator?---Yes.

And the second half of that conversation related to Mr Beydoun's application, didn't it?---Yeah.

And we've already discussed Mr Beydoun's application, which I might return to later. I'm going to ask you some questions now about Mr Abdul-Rahman. Did you meet Mr Abdul-Rahman for the first time around 20 years ago?---Yes.

- 40 When you moved to Australia?---Yeah.

Did you live next door to him?---Yes.

And were you in the courtroom when Mr Abdul-Rahman was giving his evidence?---Yeah, outside, but.

Outside. So you heard what he said? So do you accept that he paid you \$18,000?---Yes.

And do you know if that was by cash or cheque?---Cheque.

And do you know when?---When?

Yeah.---Not exactly. It was a few months ago.

I'll show you a document. Do you recognise this document?---Yes.

10 Is that the cheque that you received from Mr Abdul-Rahman?---Yeah.

And it's made out to ATM Excavation & Demolition, which is your company.---My son company.

Your son's company. And it's dated 23 July, 2015.---Yes.

Can you recall if you put that in the bank?---Yeah.

Commissioner, I tender that document.

20

ASSISTANT COMMISSIONER: Exhibit 31.

**#EXHIBIT S31 – CBA VOUCHER INFORMATION FOR CHEQUE
FROM ELFORD GROUP PTY LTD TO ATM EXCAVATION &
DEMOLITION DATED 23 JULY 2015**

30 MR MACK: What was the \$18,000 for?---Just a favour. A loan.

A loan?---Because I was, we were buying excavator, so we short of some money.

Wasn't a drink, was it?---A drink?

Yeah. A drink.---No.

40 Wasn't a drink for Craig?---No way. This one's got nothing to do with Craig or anyone.

I'm going to play you a phone call now. It's in evidence. It's in Arabic as well. It's call 2-5-0-8 and it's Exhibit, part of Exhibit 24.---Can you just see the transcript.

You just want it on the screen?---Yeah, please.

That's fine. Okay. And I'll start on page 1 and this is your nephew Mohamad.---Yeah.

And you will see just further down the page there Mohamad says to you, “Now this Ali Abdul-Rahman called my Uncle Ahmed yesterday. He was calling him”, and then Mohamad says to you, “Hello, yeah, and he threatened him and at the end threatened him. I don't know what he said to him so my Uncle Ahmed said to him you can make one mistake. I'm going to cut off your hands and legs off Ali Abdul-Rahman.” Do you know if your brother Ahmed ever threatened Mr Abdul-Rahman?---I wasn't threaten. Like Ali called my brother because we didn't return the money to him straightaway, took some times and they were having an argument.

Sorry, what was that last, you had an argument?---Argument, yes.

With Mr Abdul-Rahman?---Yes.

Why didn't you pay back his money?---Because we didn't have it at the time.

So what did you do with the money?---We bought a machine.

You bought a machine. What were the terms of the loan?---It wasn't any term.

How long - - -?---I said to him – I don't remember exactly but I said some time like, a month or so.

A month or so. So this call is on 27 November so there's about four months between when the cheque was made out and this phone conversation.
---Mmm.

Well, over the page at page 3 you say, “Do you know, do you know what Ali Abdul-Rahman's job is?” And then Mohamad Taleb says, “What is it?” And then you said, “Ali Abdul-Rahman is Craig's job, Craig's job”.---Yeah. That mean excavation and stuff, tips.

Sorry?---That mean tip, he's got a tip.

That means who has got a tip?---Ali.

Ali has got a tip?---Yes.

Is Ali's, is Ali - - -?---Waste facility, yeah.

But Craig is a reference to Craig Izzard isn't it?---Excuse me?

Craig is a reference to Craig Izzard.---True.

So how is it Craig's job?---Craig's job, that mean the same industry.

The same industry?---Yes. Job. Craig job to look after things like that. That's the meaning of it.

Why didn't you say Ali Abdul-Rahman is involved in the tipping industry?
---Tipping industry, yeah.

10 So instead of saying tipping industry you said Craig's job. That's what you expect the Commission to believe is it?---Mr Mack, it's – when I said it's Craig's job that mean Craig doing – looking after job like that. That mean job like my job, his job, any excavation job or tips.

So Craig was looking after other excavation jobs was he?---What do you mean by that?

Well, you said it's Craig's job - - -?---Craig job, that mean Craig and us and him same industry which is the guy looking for – after stuff like that. That's his job to do.

20 So was Mr Abdul-Rahman paying Craig in relation to a job that Mr Abdul-Rahman was doing?---No.

No or you don't know?---Don't know.

You don't know. Well, down the page Mohamad Taleb says to you, “So what do you mean it's Craig's job?” which is the question I just asked you and then you answered on the phone to Mohamad, “Craig's job means that Craig did a job for him and it didn't work.” Craig was doing a job for Mr Abdul-Rahman wasn't he?---I don't know.

30 And it didn't work so the drink had to go back. That's right isn't it?---I don't know about this one.

And you were the middleman, weren't you?---I don't know about this one, really.

I think you do, Mr Kabite.---No, no, no. If you can just, I - - -

40 All right.---(not transcribable).

Well, you can go through it. There's plenty more material. I can take you through it and it might refresh your memory.---Okay.

I'll take you to the transcript from call 2-5-0-0, part of Exhibit S29. And this is you talking to Fred. Do you know who Fred is?---Ah hmm.

Or do you want me to play you the call? Fred says, “Yeah, Nosir.” You say, “Fred, listen to what I have to say to you exactly.”---Mmm.

Do you want me to play you the call or are you happy with the transcript?
---Transcript all right.

10 All right. And then Fred says, "I am on my own, on my own. I'm going to the bank to withdraw some money." And then you say, "Okay, okay. Ali Abdul-Rahman, we did a job through, what I'm about to say to you has to stay between you and me, and if you tell him I'm going to get upset with you, Fred, because I shouldn't tell you this." And then Fred says, "Yeah, yeah." And then you say, "We did a job for him, our friend from the council. He did a job for him and he's not happy with it, and he wants the money back. Do you understand how?"---Mmm.

And then over the page it says, "So he's calling me and I keep telling him I will check with the person from the council today, tomorrow and so on." And you say, "But I was the middleman between him and the other one. That's it. No more, no less, you understand?" So you were the middleman for a job between Ali Abdul-Rahman and Mr Izzard, weren't you?---Yes.

20 Well, what was the - - -?---But wasn't any, we spoke about it but nothing happened. Ali want me to, because a guy was operating without licence or DA.

Who?---I don't know. A guy in this area over there. And Ali wants a favour of me, just if I can get Craig to stop this guy, because he's operating without a licence and affecting Ali business.

30 So did Mr Izzard try and stop - - -?---I'm not sure. After I spoke to Andy - - -

Mr Cannuli?---Yes.

Yes.---And Andy spoke to Craig, I reckon, or Andy been telling me he spoke to Craig, and Craig on a job, this and that. But in the end of the day, we found out it's all bullshit. Andy didn't do nothing.

So, I'm just going to take you back through that.---Ah hmm.

40 Ali knew somebody who was operating - - -?---Without DA.

Without a DA?---Yes.

And Ali wanted the person who was operating without the DA to stop operating?---Yes.

Because that person was in competition with Ali, is that why?---Yeah.

Yes? And so you acted as a middleman because Ali paid you \$18,000 - - -.

---No, no, no, no. The \$18,000 has got nothing to do with this one, no.

All right. Well, it's got nothing to do with this one? So you acted as a middleman because you then told Mr Izzard about Ali's colleague who was operating without a DA?---No. Not me. Andy.

Andy told Mr Izzard?---I spoke to Andy about it and I ask him to talk to Craig.

10 And what did you say to Andy?---Just, I explain to him what's going on and Andy said, okay, I'll talk to Craig. And we waited about two or three months. Nothing happened.

So the \$18,000 is unrelated, is it?---No, Mr Mack, no. \$18,000 has got nothing to do with this.

It's completely unrelated, is it?---Unrelated, believe me.

20 So Mr Izzard was going to do a job for Mr Ali Abdul-Rahman for free, was he?---It's not a job. It's, like, his job to do. Someone operating. I think Ali spoke to him before me. He spoke to Craig, I reckon. Because when Craig once rang me, he said, "Do you know a guy called Ali?" I said, "Yeah, I know him." He said, "He wants to meet me, talking about something."

And how much did you expect to get out of the transaction?---What do you mean?

Well, how much did you expect - - -?---If the job done - - -

30 - - - to get - - -?---Yeah, I would have - - -

- - - being the middleman?---I would have got some money, yeah.

How much?---I don't know. Whatever.

What do you mean, you don't know, whatever? You charged \$10,000 for Mr Beydoun for a - - -?---No, Ali, Ali is my friend. Ali different story.

40 Yeah, well, how much?---Well, I - - -

How much would you expect?---I don't know.

\$5? \$100? \$10,000?---Mr Mack, Ali my friend. We been friend for long time. I didn't, I don't know. He just, I left it for him.

You left it for him? So if he had have given you a hundred bucks, would have you said, "Oh, thanks, that's enough"? Or would have you asked him for a bit more money?---No, I wouldn't do that.

You understood he was going to give you something, though?---Well, yeah, he should have.

And that was – some of that you would have had to give to Andy, is that right?---Yes.

And some of that you would have had to give to Mr Izzard.---Supposed to be.

10

Supposed to be. But the job didn't get done, did it?---No.

And so you didn't get paid for it, is that right?---No.

You didn't get paid? You have to speak, Mr Kabite.---No. No, Mr Mack, I didn't.

Did you ever repay any of the money to Mr Abdul-Rahman?---Yes.

20

How much?---A few thousand. Through Fred, that guy Fred.

And why did you repay the money?---Repay?

Yeah.---Because I owed him the money.

And you say it was for an excavator?---Yeah.

30

And you expect the Commission to believe that?---Well, that's what happened, Mr Mack. The \$18,000 has got nothing to do with Craig or anyone.

Are you sure it wasn't a drink?---Hundred per cent.

I need you to listen to a phone call now and identify a voice for me. This is call 2-5-3-5. 27 November, 2015. One of the voices is yours.

AUDIO RECORDING PLAYED

[10.38am]

40

THE WITNESS: That's my nephew. My nephew.

MR MACK: Mohamad?

AUDIO RECORDING PLAYED

[10.38am]

THE WITNESS: That's my nephew, yeah.

MR MACK: All right. Well, who's, who's the man in front of you, that he will give him the money now? Do you see that? This is what Mohamad says to you, "Didn't he tell the man in front of you that he will give him the money now?" What's that a reference to?---(not transcribable). Can't recall on this one.

Do you want to play it again?---Yes, please.

10

AUDIO RECORDING PLAYED

[10.39am]

THE WITNESS: Oh, yeah, that was about the money, yeah. That was with the money. The money, because he said he's going to bring some money for me then I said Craig was coming - - -

MR MACK: Mohamad's going to bring some money for you?---Yes, yes, like I said yesterday and he said I'll get the money and I'll come.

20

Is that because Craig is coming in 45 minutes?---No, it wasn't. He wasn't coming.

So you say Craig is coming in 45 minutes?---Yeah, that's what I said but he wasn't.

Well, who is the man in front of you, what's that a reference to?---No, he said he, the guy said something in front of me which is he's going to pay Mohamad.

30

Who said that?---Mohamad was seeking money from someone and the guy said yeah. I spoke to that guy - - -

Who is the guy, what's his name?---His name Ahman.

It's what?---Ahman.

Ahman?---Yeah. He's - Mohamad done some loads for him and he said he's giving me a hard time, he's not paying the money. Then I spoke to the guy. He said yeah, I will give it to him. That's what I said when I start talking to Mohamad. I spoke with the man and everything all right.

40

So why did you tell Mohamad that Craig was going to be there in 45 minutes?---Just as an excuse, you know. Just to get the money off him and Atef.

And so you say Craig is going to be here in 45 minutes and then Mohamad says something in relation to Ahman?---Yes.

Are you being truthful, Mr Kabite?---Yes, sir, about this one - - -

I'll play you another phone call on the same day. I want you to identify some more voices. This is call 2-5-6-9 from 27 November, 2015.

AUDIO RECORDING PLAYED [10.42am]

10

MR MACK: Do you recognise that voice - - -?---Yes, yes.

- - - that says, "Okay not to worry" in English?---And he is my friend. He rang me. I said I'll get back to you because I'm with the council guy.

Well, what's the reference to I'll pay you 5,000, is that what you're saying to Mr Izzard?---No. When?

20 Well, at the very start of the phone call you say to somebody in the background, "I'll pay you 5,000". I'll play it again. It's at the very start of the call but just listen very carefully at the start of the call.

AUDIO RECORDING PLAYED [10.43am]

MR MACK: Do you agree that you said, "I'll pay you 5,000"?---Yes.

30 Do you know who you were speaking to?---Not exactly. Definitely not Craig.

But Craig was with you?---I think so. He was there but not with me.

Do you know where you were on 27 November? This is all the same date as you were having that conversation with Fred.---Mmm.

When you were having that conversation with Mohamad.---Ah hmm.

40 Do you recall where you were, were you at Bandon Road yard?---At the yard, yeah.

And Craig is there?---I think so.

Can you recall discussing with Craig a job for Mr Abdul-Rahman?---Maybe.

So could the \$5,000 be in relation to the job for Abdul-Rahman?---No, no, no. No, Mr Mack. I didn't discuss any money with Craig for Ali because Andy was talking to Craig.

I'll show you a text message now. It's a text message between you and Mr Izzard. It's 4-2-4-9 from 7 January. This is a text message from Mr Izzard to you and it's on 7 January, 2016. It says, "You might have bigger problem. The man that wants his drink back rang me today and wants to meet next week".---Yeah.

10

Who wanted their drink back?---Ali.

Ali wanted his drink back? So it was a drink?---No. Craig call it a drink but he wants the \$18,000 back.

Ali wants the \$18,000?---Yes, the money he lent me. And he spoke to Craig because he wanted to embarrass me in front of Craig.

20 Ali wanted to embarrass you in front of Craig? Why?---Because I didn't get the money back to him on time.

What money?---18,000.

The 18,000. So the 18,000 was for Craig to do a job?---No, Mr Mack. It wasn't for Craig. It was for me.

It was a drink for you?---It's not a drink. It's a loan.

30 It says it's a drink.---He call it a drink because we call money drink.

So did he think that – did Mr Abdul-Rahman think that Mr Izzard might have some sway over you?---May have what?

Have had some influence over you?---Yes.

I'm going to play you a phone call now from 9 January, phone call 9-5-2-2.

40 **AUDIO RECORDING PLAYED** **[10.48am]**

MR MACK: So the reference to Andy there is a reference to Andy Cannuli?---Yes.

And you're discussing the job that you arranged with Andy for Ali through Craig, that's correct, isn't it?---Yes.

And the deal was that Mr Izzard would be paid for doing the job, wasn't it?

---Sorry?

The deal was that Mr Izzard was going to get paid, wasn't it?---Mmm, yes.

How much was he going to get paid?---We didn't discuss that.

But the drink was worth \$18,000, wasn't it?---Mr Mack, the \$18,000 has got nothing to do with Craig. That was a loan from Ali. I went to his place, I got it.

10

You took the drink before you'd done the job. That's right, isn't it? The same way that you took a drink from Beydoun before the job was done. That's correct, isn't it?---That's not correct.

I'll play you phone call 4-2-7-7 from 10 January. My apologies. It's a text message. This is a text message from you to Mr Izzard. "I sorted out with Ali guy. No need for you to see him tomorrow."---Ah hmm.

20

"Make sure I see you in the morning at the yard, Riverstone."---Yeah.

Do you recall sending that text message?---Yes.

And what do you mean by you'll sort it out with Ali?---I spoke to him because, as I said to you, he went Craig and ask him for his money, "Tell Nosir to give me the money."

Were you worried that Mr Abdul-Rahman might dob on you?---Dob on me?

30

Yes.---In what way?

Well, he might go to the police or tell somebody about your relationship with Mr Izzard.---Why want to go to police?

Were you worried that he might expose you - - -?---No, no.

- - - for illegal dumping?---No.

40

You weren't worried?---No. I spoke to Ali. I sort it out. I said it's got nothing to do with Craig. I'll pay you the money.

And if you didn't pay him the money, what was Mr Abdul-Rahman going to do?---Nothing.

Nothing?---As I said to you, we're friends. We're not going to hurt each other over money. He was upset with me because I didn't return the money on time.

Well, did he ever suggest that unless you paid him, Mr Abdul-Rahman might go and tell somebody about the illegal dumping?---Probably.

Probably?---Yeah.

So you were worried - - -?---Possible.

So you couldn't trust Mr Abdul-Rahman to keep his mouth quiet?---No, it's not about trust. It's, if you upset, probably you will do anything.

10

I'll play you a call from 11 January, 2016. Call 4-2-8-6.

AUDIO RECORDING PLAYED

[10.54am]

MR MACK: It's pretty clear, isn't it, Mr Kabite, from that phone call, that you and Mr Izzard were doing a job for Mr Abdul-Rahman?---Yes.

20

And you had to do something else for him, didn't you?---Ali asked for - - -

Because he wasn't happy with - - -?---No, Ali asked for meet with Craig. He said I've got something to talk to him about.

Sorry?---Ali said I need to meet with him because I've got something to talk to him about.

Wanted to talk about the job he wanted Mr Izzard to do, didn't he?---Well, I told you about the job already.

30

Well, what was the other thing you had to do for him?---I didn't, he didn't tell me.

He didn't tell you?---He said - - -

That's what you're saying to Mr Izzard. It says, "So we've got another thing to do for him. Just come past the yard, can you?"---Yes.

40

What was the other thing you had to do for him?---Something related to the industry, that's all.

Well, what was it. You have to tell the truth here, Mr Kabite.---It is the truth. Ali wants to - - -

Something related to the industry. Be more specific?---Ali wants to meet up with Craig to talk to him about some kind of business like something related to councils.

Something related. You know what it is. Be more specific, please. What was it?---No, no, no. I don't know what it is. Honestly, I don't know. he said I need to talk to him about something very important. Something like, he said I'll talk to him about it in front of you. He said, okay, I'll arrange meeting.

So Ali was upset with you because – why was Ali upset with you?
---Because of the money.

10 Because of the money? What money?---\$18,000.

Which was for the job for Craig, wasn't it?---No. It wasn't for Craig, no. It was a loan. You need to believe me on this one, Mr Mack.

So you've got another thing to do for him?---He wanted to talk to Craig about another thing, something related to a tip or - - -

Because you'd already taken the drink, that's why, isn't it?---No.

20 You didn't perform on that, so you had to do something else.---No, no, no, no, no. No.

Well, what did – what did you understand Mr Izzard meant when he said that Ali was going to give you up?---Probably he's going to dob me in or something.

Going to dob you in?---Mmm.

30 What was he going to dob you in for?---For dumping.

For dumping?---Yeah. That's what I understood but probably I'm wrong. And I didn't take it seriously because Ali is my friend. He won't do, he won't hurt me. Talk behind my back, yes, but hurt me, I don't think so.

This all went wrong, didn't it, with Mr Abdul-Rahman, didn't it?---Sorry?

This all went wrong with Mr Abdul-Rahman, didn't it?---Sort of.

40 What was meant to happen?---What do you mean by that?

What was meant to happen? If it all went right?---I don't know.

You do know.---No, no. What was going to happen?

If it all went to plan, Mr Izzard was going to stop one of Mr Abdul-Rahman's competitors or fine him. That's correct, isn't it?---Yes.

And Mr Abdul-Rahman was going to give you some drink, wasn't he?

---Supposed to be.

Supposed to be. How much was he going to give you?---We, we didn't, we didn't talk about it.

Didn't talk about it. That's not the truth is it?---It is the truth.

You didn't talk about how much money you were going to make.---Well, I told Ali, I told Ali anything we do must be some drink, you know.

10

Did you give him a quote?---No. That's what I said to him but we didn't discuss any amount or anything.

You realise that what you were doing was getting Mr Izzard who was in charge of investigating matters to influence somebody on somebody else's behalf – do you want me to put that to you again?---(No Audible Reply)

You understand what you were doing, you were getting Mr Izzard to fine somebody else on behalf of Mr Abdul-Rahman.---To fine?

20

Well, what was he going to do, fine?---Check on the guy. See if he's operating without the licence or DA because that guy was affecting Ali business, selling the stuff \$3 cheaper or something Ali told me.

So why couldn't Mr Abdul-Rahman just go through the normal channels, why did he have to go through Mr Izzard and yourself?---Because Craig was looking after this area at the time.

30

Well, that's what Mr Izzard gets paid for. Why did he need – and he gets paid from the council for doing that, why did he need Mr Abdul-Rahman to pay him?---What do you want me to say?

It was a bribe wasn't it?---It was.

Yeah. And you and Mr Izzard were co-operating with each other - - -.---
Yes.

- - - so that Mr Izzard could receive bribes.---Possibly.

40

Possibly or yes?---Yes.

ASSISTANT COMMISSIONER: Was that the agreement between you and Craig?---It wasn't a clearly agreement, Your Honour.

Sorry?---It wasn't clearly agreement or something. It was like we understand each other.

Are you saying that Craig knew that that's what was happening?---Yes.

Thank you.

MR MACK: And you were in it together weren't you?---Sorry?

You were in it together weren't you?---Yes.

And if you both got caught doing it you'd both get in trouble. That's right isn't it?---That's right. Correct.

10

ASSISTANT COMMISSIONER: What about Mr Abdul-Rahman, did he know that this was going on too?---Sorry?

Mr Abdul-Rahman, Ali, did he know about this, did he know that if he paid you money that you would talk to Craig and that there was this understanding between you and Craig?---Obviously.

Obviously?---But, yeah, somehow he - - -

20

Yes, he did you're saying?---But he didn't like – when he ask me, Your Honour, he said something about this guy and, and mentioned something to him like my friend if anything is going to do must get drink. Just like that but I don't know if he got it or not.

MR MACK: Sorry, can you just repeat – Mr Abdul-Rahman said to you something about a drink?---No, I said to him.

You said to him?---I mentioned something about if my friend anything was going to do must take some drink.

30

Your friend must take some drink?---That's what I said, yeah.

And so at this time, which is January 2016, you still owed Mr Abdul-Rahman money for the loan?---Yes.

So was the understanding that Mr Abdul-Rahman was going to give you more money?---To give me more money?

40

Yeah, for more drink for what Mr Izzard was going to do?---No.

No? What I'm saying is he already owed you a lot of money at this time, and you're arranging with Mr Izzard to do a job, and you just accepted that if the job was done Mr Abdul-Rahman had to pay some more drink?---We didn't talk about that, Mr Mack. We didn't talk about that. Ali, me and Ali, as I said to you, we're friends long time.

But you were arguing at the time over the debt.---Over the money, yes.

Over the money.---Yes. And he - - -

And now you're agreeing to enter into another arrangement, whereby Mr Abdul-Rahman would have to pay more money to you.---No, no, no. When he ask me to meet up with Craig, I didn't know it was, he said I've got something to say to him. That's all about it. And never happened. They didn't meet.

10 Were you going to repay your debt to Mr Abdul-Rahman by getting Craig to do a job?---No. I was going to pay Ali back through Fred. And it happened. Fred pay him few thousand on my behalf.

He was very angry with you at this time.---Who?

Mr Abdul-Rahman.---What do you mean, very angry?

20 Well, he was going to give you up. He was filthy with you.---That's what I've been told by Craig, but he didn't mention anything to me. Every time I talk to him, we're nice to each other and - - -

I'll play you another phone call, from 15 January, phone call 4-4-6-1.

AUDIO RECORDING PLAYED

[11.07am]

30 MR MACK: There's a few things in that phone call I wanted to discuss with you Mr Kabite. The first is Alex at Blacktown Council, who is Alex?—The one of the counter, the one I spoke to.

Do you know if Craig knows Alex?---I don't know if he knows him. But me and my son there we spoke to a guy, his name Alex.

And that's in relation to the DA at Bandon Road?---To the, yes. Yes.

Was Alex a guy at the counter?---Yes.

40 All right. And there's a discussion in there about Frank and Serge doing a test on the property at Belfield Avenue - - -?---Yeah, yeah.

- - - that's right isn't it?---Yes.

Yes. But right at the start of the conversation you say, this is page 1. "Okay. That guy Ali has just called me he wants to know when where you know sit down"?---Yeah, mention.

So what did you want to discuss with Ali and Mr Izzard?---I didn't know, Mr Mack, I don't know. Just he wants to sit down and talk to him about something related, related to Ali's business.

With Mr Izzard?---Yes.

Did you have that meeting?---No.

Never had that meeting?---No.

10

Do you know if Mr Izzard had that meeting without you?---Probably.

Why weren't you there?---I don't know. Because no one called after and I can't recall exactly what happened but it didn't happen the meeting.

I'm going to play you call 4609 from 20 January, 2016. It's part of Exhibit 29. But I want you to listen to the phone call. Whilst that's being loaded up, did you talk to Mr Kabite, sorry. Did you talk to Mr Abdul-Rahman without Craig present?---Yeah.

20

Why, what were you talking about?---We always talk me and him.

Always talking about him?---Me and him we always talk, yeah. Calling each other all the time.

AUDIO RECORDING PLAYED

[11.13am]

30 MR MACK: All right. I'll just stop it there. What's this conversation in relation to?---The meeting with Ali.

Meeting with Ali. So you needed to sit down with Mr Abdul-Rahman and Mr Izzard and chat something out. What did you need to chat out?---Ali wants not me.

Ali wants to. What did he want to talk to Mr Izzard about?---As I said it's something related to his business.

40 To his business?---Yes.

Was it related to the job that he wanted Mr Izzard to do for him?---What job?

The job that you were telling me about before in relation to the guy that didn't have the DA.---No, no, it's got nothing to do with business, his job, that's all.

What did it have to do with?---Not with, with this one in particular. Ali he said I want to sit down with the guy.

Why?---Why, I don't know. He said something related to his business. It's got nothing to do with me.

And you were going to arrange the meeting were you?---Yes.

I'll play you phone call 5-2-2-1 from 4 February, 2016.

10

AUDIO RECORDING PLAYED

[11.17am]

MR MACK: Is that a phone call you had with Mr Izzard in relation to Mr Abdul-Rahman?---Yes.

20 What did you mean by the bottom of page 1, "Yeah, he just called me back. He said blah, blah. He said don't worry about your money. I get it back for you next week sometime"?---Yeah. It's related to the money that I owe him.

Why are you telling Mr Izzard about the money that - - -?---Because he spoke to Mr Izzard and told him about the money and he was upset.

30 Well, what was it that you didn't mention to him? This is on page 2. "Yeah, he didn't change. Did he say anything?" "No, I didn't mention nothing. I didn't."---I didn't mention whatever Craig told me, because he said he was swearing at me, calling me this and that.

What did Craig tell you?---Yeah, he told me that, that Ali was swearing at me and - - -

And that was the subject you didn't want to open up?---Yes.

I'm going to ask you a few questions now about Mr Abbas.---No problem.

40 You've told the Commission that there was an understanding between yourself, Mr Izzard and Mr Abdul-Rahman in relation to getting Mr Izzard to do a job. Was there a similar relationship between Mr Abbas, yourself and Mr Izzard?---Not exactly.

Well, tell the Commission what the relationship was.---Sam Abbas has got a problem at, he's got a farm out that way, Windsor way. I don't know exactly. And he had a problem with the EPA and he wanted to know if the EPA wants to proceed.

Yes?---And he ask me if I can ask Craig for him. And I did.

Well, did you know that a person from the RID Squad had been out to Mr Abbas's place at 5365 Wisemans Ferry Road and left his – and was trying to breach Mr Abbas in relation to illegal dumping?---Can't recall.

Did you arrange for Mr Abbas and Mr Izzard to meet?---Yes.

Wisemans Ferry is a long way from Blacktown, isn't it?---Sorry.

10 Wisemans Ferry is a long way from Blacktown, isn't it?---That's right.
That's right.

And Mr Izzard was in control of illegal dumping in Blacktown, wasn't he?
---No, no. It's got nothing to do with illegal dumping. That Sam guy, he wants to know something about some information. If the EPA wants to proceed with his, whatever the problem he's in or not.

Were you here when Mr Abbas gave his evidence?---Yes.

20 So what assistance was Mr Izzard going to give to Mr Abbas?---Can you repeat that question, please?

What assistance was Mr Izzard going to give to Mr Abbas?---Information if the EPA wants to proceed or not. Or taking some advices off him.

Why would Mr Abbas want to take advice from Mr Izzard?---Because Mr Izzard work for the council. Illegal dumping.

30 He worked for Blacktown Council.---It's not about Blacktown or any other, it's just advices that mean, what was happening with him was illegal dumping, over 300 loads or something of rubbish, and he wants to know, like, what's the best way out. That's it.

Did Mr Abbas have a tip on the corner of the M4 and the M7?---I don't know. He kept saying he's got a tip here, a tip there. Once he told me he got a tip from Ali somewhere, which is not true.

Do you know if Mr Abbas ever met Mr Izzard?---Yes, they met.

40 Did you arrange that meeting?---Yes.

Was that at Bandon Road?---Bandon Road.

Why did they meet at Bandon Road?---I don't know. Probably because I'm there.

I'll play you a phone call from 7 December, 2015. Phone call 2-8-0-6.
---Between me and Sam?

Between you and Mr Izzard.---Oh.

AUDIO RECORDING PLAYED

[11.25am]

MR MACK: So you and Craig needed to fix up something for your friend didn't you?---Yes.

10

Why did you and Mr Izzard need to fix up a problem of Mr Abbas's in relation to dumping?---Why?

Yeah.---Money.

Money, you were going to get money for it?---Yeah, to fix it, yeah, but nothing happened.

20

Nothing happened. Was Mr Izzard going to get money for it as well? ---Possibly.

Possibly. Was that the understanding between you and Mr Izzard?---Sort of.

What do you mean by sort of?---I mean, I mean like I said before, Mr Mack, we understand each other.

So if you fixed up the problem for Mr Abbas - - -?---No, no, no.

30

No, if you did Mr Abbas would have paid you. Is that correct?---Of course, yeah.

And then you would have paid Mr Izzard?---Yes.

Was Mr Abbas your friend?---Yeah. Not really friends but.

Well, was he a better friend than Mr Abdul-Rahman?---No.

40

So would you - - -?---Ali my best friend.

Would you charge Mr Abbas more money than you charged Mr Abdul-Rahman for - - -?---I didn't charge any money. I didn't charge any money.

Would have you expected more from Mr Abbas than you would have from Mr Abdul-Rahman?---What do you mean by that?

Well, before I was exploring with you how much money you would have made from Mr Abdul-Rahman if Craig did a job and you said not that much because he was a friend of yours.---Yes.

He was close to you. Now I'm asking you in relation to Mr Abbas would have you expected more money from Mr Abbas to get him out of trouble than you would have - - -?---Yeah, possibly.

Possibly?---Yeah.

10

Double?---What do you mean double?

Double the amount of money, is that what you would have expected?
---What amount?

Well, \$5,000. Is that what you would have expected from Mr Abbas?
---Well, he - - -

20

You got \$10,000 from Mr Beydoun. Would have you expected more money for doing a job for Mr Abbas than the \$10,000?---Probably something like that, yeah.

Probably something like that. So you're agreeing with me that you would have expected more than \$10,000 from Mr Abbas?---No, no, it's not more. Mr Abbas has got no job. The guy wants advices. He wants to sit down and talk to Craig, explain what's going on.

30

You just agreed with me that you had to fix his problem in relation to dumping.---He got caught already. Already EPA on, on the property and somehow he said they giving him a hard time or something.

A friend of mine they gave him last Thursday dumping but clean soil, you know what I mean. Mr Izzard says, "Yeah". And then you say "Yeah. See if we know someone, we need to fix it up". That's we - that's you and Mr Izzard need to fix it up"?---Yes.

And you said you'd expected to receive money if you did fix it up?---Yes.

40

But you didn't in fact fix it up, did you?---That's right.

How much money would've you expected if you did fix it up, \$10,000?---Something like that.

\$15,000?---No, no, no.

Not \$15,000. So around about 10,000?---Around about five, 10.

Five, 10?---Yes.

And you would've got 50 per cent of that, was that the expectation?---No, I get more.

All right. So let's say it's 10,000?---Mmm.

How much would you get?---I'd get eight or seven.

10 Eight. And you'd give two or three to Mr Izzard?---It didn't happen but.

Didn't happen. But that was the understanding?---Yes, yes.

But you'd get 80 per cent, 70 or 80 per cent and Mr Izzard would get 20 or 30 per cent, is that correct?---Yes.

And do the same proportions apply for Mr Beydoun, the job you did for Mr Beydoun?---Craig didn't get any money out of it.

20 Did you expect to take 70 per cent of that money?---Something like that.

And Craig would've had about a 30 per cent share, is that accurate?---Possibly.

Possibly. Is it accurate?---What do you mean? What do you mean by that? It's not fair you mean?

Well you said that you and Mr Izzard had an understanding in relation to getting money for doing jobs?---Mmm.

30 I'm trying to establish with you what you understood the proportion was split between you was. Was the understanding that you'd get 50 and he'd get 50 or was it 70/30, 80/20?---We never discussed that.

Commissioner, I note the time.

ASSISTANT COMMISSIONER: Yes, we'll take a 20 minute adjournment.

40 **SHORT ADJOURNMENT** **[11.32am]**

ASSISTANT COMMISSIONER: Now you're still under oath, Mr Kabite? ---Yes, sir.

Yes, Mr - - -

MR MACK: Mr Kabite, I'm going to play you a series of calls now from February through to about March this year. So I'm moving away from Mr

Abbas and Mr Abdul-Rahman. The first call is in Arabic. It's between you and Mr Mohamad Taleb and it's from 5 February, 2016 and it's call 14031?--Okay. It's all right, the transcript's fine.

Oh, we have to play the call?---Okay.

AUDIO RECORDING PLAYED

[11.58am]

10

MR MACK: That's you on that call isn't it, you and Mohamad Taleb?---
Yes.

So Mohamad Taleb definitely knew who Craig was?---Yeah.

Yeah. All right. And when he's saying to you, "Don't let him see anyone any more. Even for \$1 million don't let him see anyone any more", is that a reference to you making money by letting people see Craig?---No, it's not that.

20

What does that mean?---That mean no need to let people see Craig or know who he is.

Why, were you worried at this time that Mr Izzard might have - - -?---Yes.

What precisely were you worried about?---Nothing seriously but Craig was like, he changed. He's not answering his phone any more, this and that.

30

He changed a bit did he?---(No Audible Reply)

Okay. And because he wasn't returning your calls, is that why he changed or - - -?---Something like that, yeah. Sort of.

At page 3 of the transcript, do you know what I mean by the word spooked?---Spooked?

Yeah. Do you know what spooked means?---(No Audible Reply)

40

No. Do you think that Mr Abdul-Rahman or Mr Abbas had somehow scared Mr Izzard?---Scared him?

Scared him or made him - - -?---No.

- - - a bit hesitant about - - -?---I think so but I don't know.

And when you say at the bottom of page 3 there that Craig is for whom pays more but it's not a problem. He can't play around with me. What do you

mean by Craig is for whom pays more? Do you need to listen to that again?---Whoever pay more. That's what I said to my nephew, yes.

That Craig pays more?---Yeah, was just talking.

What did you mean by that sentence, Craig pays you more?---It was an opinion, opinion.

Sorry?---It was an opinion.

10

That Craig - - -?---Yeah, whoever paid him more or something, yeah, but it was just a thought.

I'm just trying to understand the opinion and the thought. Can you express it a different way to the way it's transcribed there?---Like don't worry. If I know you for example and someone said, "Mr Mack is going to (not transcribable). Don't worry, I know him." Whoever give him more money he'll go for him.

20

Whoever gives more money - - -?---Yes. That's what I said but it's not, it's not real – in real life it's not.

Do you know anybody else in council that you have a similar relationship with besides Mr Izzard?---No, no one. I know a few of them but nothing happen between us.

Well, who else do you know?---What do you mean?

30

Well, who else - - -?---I know Anna, Frank - - -

Anna.--- - - - Serge.

Did anything happen with Anna?---No. The situation with Anna was like I was helping her out over something.

You were helping Anna. What were you helping Anna with?---Someone, someone was dumping on the road, on the street at night.

40

And you were giving her information were you?---Yes, yes.

Were you charging her for information?---No way I'm going to charge her.

So that Craig is for whom pays for more, is that Craig – you can get more money from Craig than from somebody else. Is that what you mean?---Sort of.

Yes. Well, who could you get less money from?---What do you mean?

Well, if you, if you get paid more for Craig who do you get paid less money for?---I don't understand what you mean.

I'm just trying to understand this sentence that Craig is for whom pays more
- - ----Yeah, that's what I - - -

- - - and I still don't understand what you mean by that.---I mean like that's what I said to my nephew because my nephew was worried like people seen Craig, no good for us, this and that. They're going to put us in trouble and I can't trust no one.
10

ASSISTANT COMMISSIONER: Did you mean that Craig would work for whoever paid him the most?---Yeah, that's what I said to my nephew.

Yes.

MR MACK: So can you recall a time when Craig refused a job because there wasn't enough money being offered?---No.

20 No. I'm going to play you a call now from 9 February, 2016. It's call 1-4-7-3-7. It's between Mr Hassoun and yourself.---Is it in Arabic?

It's in Arabic, yeah.---Can I just transcript?

We need to play the call - - ----Oh, sorry.

- - - for the purposes of the - - -

30 **AUDIO RECORDING PLAYED** **[12.09pm]**

MR MACK: What's the reference to another block, 11,000 square metres?
---We were leasing another block.

You are leasing another block?---We were.

40 And did the council guy help you with that lease?---No, no, no. Didn't, didn't take place.

Where's the other block?---Around the area there.

Do you know the address?---Not really. We didn't take it. Just - - -

You didn't take it?---No, we didn't.

Were you waiting for Mr Izzard to get back to you in relation to it?---No.

That was a lie, was it? It says, I'll take you to page 6.---Mmm.

I'll take you to the bottom of page 5 first. You say, "Mohamad, that will ruin us, man. About two weeks ago I paid \$102,000 for another block, 11,000 square metres, yeah. So I don't want to what-you-call-it. I'm just waiting for the council person, my friend, to get back to me and see what's going on."---Yeah, that was an excuse not to take his loads, that guy.

10 All right. So who is this guy?---Whatever is here, just excuses, that's it.

This isn't Mohamad Taleb you're talking to, is it?---No, no, no. Mohamad, that guy from (not transcribable) or somewhere. Always bringing rubbish and stuff.

Was this the guy you were telling the high prices for the asbestos?---No.

Different, okay.---Different one.

20 So at page 2, it's true, though, that you were scared at the time, weren't you?---No.

Your nerves were bad.---No. I wasn't. But I just, I didn't want to take his loads.

You accept that the council guy that covers you is a reference to Mr Izzard?
---Yes.

And he was in fact covering for you?---Sorry?

30 Mr Izzard was covering for you?---Sort of.

What do you mean by sort of?---I mean, yes.

Okay. I'm going to play you a call between Mr Izzard and yourself from 17 February, 2016, call 6570.

AUDIO RECORDING PLAYED

[12.16pm]

40

MR MACK: So that's how it would work, isn't it? Mr Izzard would find out information about what was happening there and then he would tell you about it.---Yes.

And make sure that nobody else investigated the tip.---Yes.

And if Mr Izzard had told you to stop instead of keep going, would have you stopped?---Probably. But he had, the guy got approval for the place.

That's what you say.---No, it's true.

So who do you say got approval for the place?---Angus.

Angus got approval for what? Transfer station?---No, no. Just to operate.
(not transcribable)

To what? To fill?---Fill or to dig or anything.

10

That's not what happened, Mr Kabite. He did not get approval, did he?
---That's what he told us.

Did you get anything in writing?---Then Craig said clearly, that guy Alex,
whatever his name, he said they got approval.

Who's Alex?---Alex, our guy from the council with him.

20

Guy from RID Squad?---I don't know which council. I don't know what he
is but he's from the council.

Well, do you know when the approval came through?---We've been told
from the beginning the guy got approval but later on find out that he's got it
late, late, but probably the end of it, or something, two weeks before - - -

An approval for what?---To operate. To excavate.

To bring in loads?---Bring loads or take out loads, anything.

30

So you thought you had approval to bring in loads and loads of material, did
you?---Yeah.

Clean and dirty?---Clean. We told the guy that we're going to bring dirty
loads and stuff over.

You told the guy you're going to bring - - -?---Yeah, but we said it was
going to be (not transcribable).

40

So you told them that you would bring them in and then take the dirty loads
out?---Yes.

But you didn't in fact take the dirty loads out, did you?---Well, we didn't
have time.

You just buried them.---Not really. When I say dirty loads, it's bricks,
concrete, something like that.

Yeah, well, it's not - - -?---But the rubbish stuff, we bring some but it's still there on the site.

You told the Commission that you had no more than 10 skip bins.---What do you mean?

Well, you said - - -.---Yeah, yeah, the skip. Not skip bins. Skip bins mean a big, you could say, like, it's not a truck. It's a bin but it's a big one. It's not a, like, small 10 cubic or something, no. It's the big one.

10

Did you bring any – but none of it was VENM, was it?---Yeah, some of them, yeah. A lot of them was VENM.

A lot of it was VENM?---Yeah. And they're still there.

But you didn't want VENM because it - - -?---Yeah, no money in it. No money.

- - - was more profitable to dump the dirty stuff?---Yes.

20

That's right, isn't it?---Yes.

So how much of it was VENM?---How much?

Yeah.---Plenty. Over a hundred.

Over a hundred truckloads?---Yeah.

How much does a truckload weigh?---Weight?

30

Yeah. Do you get more than two tonnes in a truck?---Yeah, of course.

Around about 10 tonnes in a truck?---Yes, a bogie, yeah. 10 or something like that.

So you say there would have been over a thousand tonnes of VENM?
---Probably.

40

Probably. Did Craig know how many, did Craig know how much VENM was going in there?---No.

No. Did Craig know how many dirty loads were going in there?---I don't think so.

Was he, what did you understand the approval was for precisely?---To fix up the place.

To fix up the place.---Yes.

Was that a cut and fill or was it - - -?---Yeah, cut and fill, and taking out, bringing in.

Taking out and bringing in? Did you ever take anything out?---Yeah, a few.

How many?---Probably, once four or five. That's all.

10 Four or five out and - - -.---Someone bring it and was dirty. Didn't, he didn't argue for the price. I wasn't there. Didn't ask him to take it back.

Did you have a licence from the EPA?---No.

So you thought that all you needed was an approval from the Council?--- Sorry?

You thought all you needed was an approval from the Council?---Yes.

20 And you thought you had that because Mr McVay told you that?---Yes. Mr McVay didn't care only he care about the money, that's all.

Well how much, you mean the rent?---The rent, yeah. And he used to come to the job site, he's been there a few times.

And can you recall, do you know Anne or Ms Bartlett?---Yeah, real estate agent.

Real estate agent, yeah?---Yes.

30 And she tried to evict you, didn't she?---Sorry?

She was trying to evict you, wasn't she?---Yes.

Do you know why?---I don't know. She said that I breached the lease or something. I took more, more space than I was supposed to.

Did you tell Craig that she was trying to evict you?---Yes.

40 And what was Craig's response?---He asked me why and no, they can't if you've got a lease this and that.

Did Craig every say to you that you should just make up a story about Mr Izzard investigating the property and him being happy with the property?--- We spoke about something like that but I can't recall exactly what it was.

All right, well I'll play you the call. Call 6923 from 23 February.

AUDIO RECORDING PLAYED

[12.27pm]

MR MACK: So you were going to hold out Craig as a person that had given approval for your activities on Bandon Road yard, is that right?---No.

That's what Mr Izzard wanted you to do, isn't it?---Yeah, yeah. He said that.

10 Is that what you told Anne or Angus - - -?---No, no.

- - - that the Council had been?---Yeah. I think I spoke to Angus about it and - - -

Do you know if Mr Izzard spoke to them?---I'm not sure.

I'll play you another call from 23 February, 2016, call 6954.

20 **AUDIO RECORDING PLAYED**

[12.32pm]

MR MACK: So Craig was offering to get involved so you didn't get evicted wasn't he?---Yes.

What did he want in return for getting involved?---It was just favours.

30 Just favours. Any other favours in addition to the massages and the iPhones and the taking the rubbish away?---And the other things we were doing on the side.

What other things were you doing on the side?---Like we trying to get money from this - - -

Tried to get money from where?---Like Beydoun or the other guy or the other guy.

40 So that's all he wanted in return was the prospect of getting money from other people for doing jobs for them?---Yeah.

But you say that he didn't actually get any money from Beydoun or Mr Abbas - - -?---No, he didn't.

- - - or Mr Abdul-Rahman?---He didn't, no.

No.

ASSISTANT COMMISSIONER: You have explained to us how that whole system worked and we can see a lot of that from the telephone intercepts and you have been frank about the arrangement between yourself and Craig. Were there occasions when something came off and you were able to give him some money?---Yes.

How many occasions were there?---Sorry, can you repeat the question again please, Your Honour.

10 How many occasions were there when you were able to give him money?
---It was two or three.

Two or three. Can you remember when they were?---Not exactly. Only about six months back.

Okay.---Four to six months back.

MR MACK: Can you remember how much money it was?---(No Audible Reply)

20 Sorry, was that a no?---It was a no but not big money, like 500, 700 or something like that.

Sorry, you need to speak up. 500, 600, is that what you said?---Something like that, yeah.

600 - - ?---Not thousands or something.

30 Not thousands. Would you pay him in cash?---Yeah.

And how much money – if you were giving Craig 500 how much money would you make?---Didn't make any money.

Didn't - - .---Except the 10,000.

40 Can you recall on these three occasions who paid you the money or did the money go directly to Mr Izzard?---No, no. But it's not money because we've done something. You could say like we're friends. If I need 500 I ask you for it, that's it. It was borrowed money, and you need to believe me on this one, Mr Mack.

You gave money to Mr Izzard?---Yeah.

He borrowed it, did he?---Sort of.

Was there an agreement for him to repay it?---No, we didn't talk about that but he said we pay it. After what happened, we didn't see him at all.

Sorry?---After I leave, I left the place there, I didn't see him or spoke to him at all.

But you would give him money and you didn't speak about repayment, is that right?---Yeah.

Would you do it on a weekly basis?---No, no. Two or three times, that's it. Like - - -

10 Would it be in cash?---Friendly way, friendly way. Just, it's not a - - -

Would you pay him in cash?---Yeah.

And that was in return for - - -?---Well, I took it that way.

You took it that way?---Mmm.

20 Did that ever happen in relation to Reuben's place? Did you ever give him money out at Reuben's place?---No. Reuben's place has got nothing to do with anything.

Yes, but I'm talking about Reuben's place.---Nothing to do with, sorry?

Reuben's place. Did you ever give Craig - - -?---No.

- - - money - - -?---No.

- - - just casually - - -?---No.

30 - - - in relation to Reuben's place?---No.

So it was only in the last few months?---Yeah, actually, Reuben's place, Craig's got nothing to do with it. He showed up once, then after another few people they came. Frank and Serge.

Yeah, I understand that. Yeah. So when was the last time you gave Mr Izzard money?---Probably, like, a month before we left the place or something.

40 A month before you left Bandon Road? And how much was it on that occasion?---Maybe 500.

500. Would any of your nephews ever give money to Mr Izzard?
---Nephews?

Yes. Mohamad?---No.

What about Ali?---No, no, no.

Atef?---No, no.

Do you know anybody else that gave money to Mr Izzard?---No.

Just yourself?---No.

Just you?---Yeah.

10 Do you recall me asking questions to you yesterday about whether you had a discussion with Mr Izzard in relation to Angus? And I said to you, "Did you ever have a discussion with Mr Izzard about blaming it on Angus?" Do you recall me asking you that at the end of yesterday?---Yeah.

And I think your evidence was that you said, no, you never had a discussion with Mr Izzard about - - ----Angus.

20 - - - about Angus, about blaming everything on Angus.---No, it wasn't Angus. I used to deal with that lady, Anne, whatever her name, and I try a few times call Angus and he didn't answer his phone.

I'm going to play you a call now between yourself and Mr Izzard from 2 March, 2016. And it's call 7-6-1-5.

AUDIO RECORDING PLAYED

[12.44pm]

30 MR MACK: Do you recall having that conversation with Mr Izzard?---
Yes.

I want to take you to page 3 and then there's this exchange with Mr Izzard and he's telling you what he told the person from EPA and what he's going to say to them. And he said "Listen, it was all being managed by Angus so chase it up with Angus. He told I believe the land owner that everything was okay". And then you "Mmm". And then Mr Izzard says "And that they were waiting for the E, they were waiting for a DA so we'll throw it back on Angus"?---Yeah.

40 So do you agree that you and Mr Izzard agreed to blame somebody else for - - -?---Yes.

And do you agree with me that you, sorry, withdraw that. Did you and Mr Izzard have a conversation to the effect that if any of this came to light you would just make reference to refrigeration units?---Say again, please?

All right. Did you and Mr Izzard have a discussion that to cover Bandon Road activities up you would just tell everybody that you were dealing in refrigeration units?---No, no, no. That units was through – it's not, no lies.

So how many refrigeration units did you buy from - - -?---I didn't buy nothing.

You didn't buy?---Just I sold it to him.

10 You sold it to him?---Yes.

You sold it to him?---I sold it to somebody for him.

And did you pay – how many units did you sell for him?---Oh, probably three of them or four, I'm not sure, maybe five, I'm not sure.

And when did you do that?---Well, at the beginning

20 Did you have a conversation with Mr Izzard about using the refrigeration unit story as cover for your transactions in relation to Bandon Road?---I don't think so.

All right. Well I'll play you call 19270 from 9 March, 2016.

AUDIO RECORDING PLAYED

[12.52pm]

30 MR MACK: Is it fair to say that that's a call between you and Mr Izzard when Mr Izzard is trying to get your story straight for you tell to people?---That's right.

That's right. So he's saying to you just say that we bought a couple of refrigeration units and it was all - - -?---Yeah, he said that.

But that's not in fact what happened is it. What in fact happened was that he was covering for all of your activities at Bandon Road?---Yeah.

40 I'll take you to a text message from 8 December, 2015. Text message 2-9-2-5. It's a text message from Mr Izzard to you, "I'll chat in the morning. Any drinks happening?"---Yeah.

Mr Izzard would often ask you for drinks wouldn't he?---Sorry?

Mr Izzard would often ask you for drinks wouldn't he?---Yes.

I'll take you to another text message from 20 December, 2015. It's text message 3-5-2-2. "Did you get any drink yesterday?" It's another text

message from Mr Izzard to you. I'll show you another one. This is from 4 January, 2016. It's text message 4-1-5-2. Mr Izzard against asked you, "Any drinks around?" Your reply is at 4-1-5-3 on the same day.---Soon, yeah.

Soon. And so there's a history of Mr Izzard asking you for drinks isn't there, it's not an isolated situation is it?---No, no, that was about Beydoun.

10 What I'm saying is - - -?---I know, I know what you're saying but no, no.

- - - that Mr Izzard frequently asked you for drinks and by drinks he meant bribes and it was your job to go out and get Mr Izzard a drink.---Yes.

You agree with me?---Yeah, agree.

And this conduct happened over many months didn't it?---No, no, not many months.

20 Or the first time, the one I just took you to before, was from 8 December and it says, "Any drinks happening?" And the other one was from 20 December, "Did you get any drink yesterday?" So you frequently got drinks for Mr Izzard didn't you?---No, no, we didn't. We didn't get anything.

So he'd just ask you for them?---Yeah, he did ask but I didn't give because we didn't get any money.

30 But if you did have money, if there was a drink around you'd give him money - - -?---Yeah.

- - - wouldn't you?---Yeah, of course.

And you'd give him more than \$500 wouldn't you?---500, 700, something like that. Two or three occasions, that's all.

Can you recall the first time that Mr Izzard asked you for a drink?---No, but it was at Riverstone.

40 It was at Riverstone. Commissioner, I note the time. I don't propose to be much longer with Mr Kabite but I do have a couple more questions to put to him.

ASSISTANT COMMISSIONER: Well, we'll take the adjournment until 2 o'clock.

LUNCHEON ADJOURNMENT

[1.00pm]