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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 2.00PM

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

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: If Mr Kabite could return to the witness box, please.

ASSISTANT COMMISSIONER: You're still subject to the same affirmation Mr Kabite.

10 <NOSIR KABITE, on former affirmation [2.02pm]

THE WITNESS: Yes, sir.

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Sorry Commissioner, I just lost my note. Mr Kabite, you've told us that drink was a code word and various other code words. I want to ask you about the word jug, a doctors jug. Is that a code?---Jug?

20 Jug, yeah?---No idea.

Is that code for any – a water jug does that mean anything to you?---No.

All right. I'll play you a call. This is call 4-3-8-6 on 13 January, 2016. It's a call between your and Mr Izzard.

AUDIO RECORDING PLAYED [2.04pm]

30 MR MACK: What's Mr Izzard talking about in relation to a water jug?---
No idea.

No idea?---I just said yeah, yeah, just can we talk but I didn't get it to be honest.

You don't know what a little refrigerated water jug is?---(No Audible Reply)

40 No.---What is it anyway?

I'm asking you.---No, no idea.

Do you recall Mr Izzard driving away – I presume he was at Bandon Road yard and he's driving away and you're saying come back. Does that sound right?---Yeah.

Do you know – can you recall if he came back and what you discussed?

---(not transcribable)

I'm going to take you back to 405 Willowdene Avenue and a conversation that took place at the Blackrose Café.---Ah hmm.

Were you here at the start of the inquiry when there was a discussion about a meeting at the Blackrose Café and then there was another meeting at Carnes Hill?---Yeah.

10 Do you recall attending the Blackrose Café with Mr Cannuli, Mr Reuben Matthews, Serge and Frank?---Yes.

Can you recall what was said at that meeting?---That was about – Serge and Frank they were doing an investigation about this.

Can you recall Andy saying words to the effect of everyone has to eat?
---Andy always say that but - - -

20 Andy always says that does he?---But I don't remember that, that time if he said it or not.

Do you recall Frank and Serge asking you or other people at the Blackrose Café, if Craig Izzard has been helping you out in some way we need to know?---Yeah, they did ask a few times.

They did ask. And can you recall if you replied?---Yeah, we deny.

30 Deny it. And when Frank said everyone – sorry, I withdraw that. When Andy says everyone has to eat, was that a reference – was that in answer to the allegation that Craig might have been helping you?---Probably.

Well, what did – what does Andy mean when he says everyone has to eat?
---He always says that, like every, everyone has to eat or drink for everybody, this and that, something like that.

Did you say the word drink then as well, eat and drink?---Yes.

40 What does he mean when he uses the word drink?---Just drink, which is everybody is going to get benefit out of it.

So is that in relation to Mr Izzard, yourself, Mr Matthews and Mr Cannuli at Reuben's place?---No, no, no. When Frank and Serge ask these questions I think Any reply everybody has to eat or something, something like that. That mean like all of us getting something.

Including Craig?---We didn't mention Craig.

Do you recall being handed a yellow envelope at a meeting at some stage by Frank and Serge?---A yellow envelope, yes, yes.

Was that at the meeting at the Blackrose Café or was that at another meeting?---Another meeting.

Was that the meeting at Carnes Hill?---Yeah.

10 And was that after the meeting at the Blackrose Café?---That's right, yeah.
They hand us court order or something.

I'm going to play you a final phone call. This is in relation to a conversation you had with somebody named Sam, and it's not Sam Abbas, but it's a Sam you called in relation to the testing at Reuben's place?---Yep.

20 Yes. And you recall on Tuesday giving evidence to the effect that you had tried to tell somebody else to test in areas where there might not be asbestos. Do you recall me asking you that question?---I don't remember exactly but what happened was I called this guy who bring a few people up there just for, for a quote to get like less space. And that guy, Sam guy was one of them.

And you know Sam through Atef?---Yeah, my nephew gave me his number, yeah.

But I think you agreed with me when I asked you before that you'd tried to arrange somebody to do a test that wouldn't reveal that there was asbestos? ---Something like that, yeah.

30 All right. Well I'll play you the call. It's call 5-5-4-6. It's fairly long, so I don't need to play the whole call. I might stop it at a particular point. It's from 15 December, 2015.

AUDIO RECORDING PLAYED

[2.12pm]

MR MACK: So has Sam been out to the property do you know?---Sorry?

40 Has Sam been out there to Reuben's place?---Yeah, yeah, yeah. His, his partner (not transcribable)

His what?---Not him, his partner.

Do you know the name of his business?---No, I forgot.

Do you know his surname?---No.

All right. At page 3 you say, this is on 15 December, "And the council guy, he is my friend". That's a reference to Mr Izzard isn't it?---No.

It's not?---Craig's got nothing to do with this.

Sorry?---Craig got nothing to do with this.

Well - - -?---it was Frank and Serge.

10 The next sentence is, "And you know, you know what I mean, I thought he will, but he said to me, Nosir, I can't do anything about it because it's a court order"?---Yes. Well I - - -

Frank didn't say that to you?---Sorry?

Frank didn't say that to you, Mr Izzard said that to you didn't he?---No, no, no. Frank said that because I did ask for extension. He said I can't do nothing because it's a court order. I might have to take it to court again.

20 So you thought Mr - you thought Frank was your friend did you?---Not a friend friend, just we know each other.

"The council guy is my friend", that's a reference to Mr Izzard?---That's what I said but it doesn't mean he's my friend. Like I know the guy.

You're referring here to Mr Izzard aren't you?---No way.

"The council guy is my friend"?---Mr Mack, Craig has got nothing to do with this at all. That was a court order from Liverpool and - - -

30 You rang up Mr Izzard and you said, "Is there anything you can do about this court order?" And he said to you, "Nosir, I can't do anything about it because it's a court order".---No, Mr Mack, no.

That conversation didn't happen?---No. It happen with Frank not Craig.

All right. Are you sure about that?---Yes.

40 Commissioner, I have no further questions for the witness. There are a number of transcripts and telephone calls that were played to him which I seek to tender. They've happened over the course of Tuesday, Wednesday and Thursday this week. I think there's about 33 in total.

ASSISTANT COMMISSIONER: Be Exhibit 32.

#EXHIBIT 32 - TRANSCRIPT SESSIONS 523, 797, 1749, 3760, 4761, 4932, 3473, 3471, 6117, 1548, 4119, 2535, 2569, 4249, 9522, 4277, 4286,

4461, 5221, 2806, 14031, 14737, 6570, 6923, 6954, 7615, 19270, 2925, 3522, 4152, 4153, 4386 and 5546

ASSISTANT COMMISSIONER: Now, in terms of cross-examination of Mr Kabite, Mr Dunne, have you got anything?

MR DUNNE: Just, just a minor, a minor matter, Commissioner.

ASSISTANT COMMISSIONER: Yes.

10

MR DUNNE: Mr Kabite, my name is Dunne and I represent Mr Matthews. A few months ago Counsel Assisting asked you some questions about a meeting that you had at the Blackrose Café.---Yes.

And that's the meeting that you're asking questions about Mr Cannuli using words everyone has to eat. So there was that meeting. There was a subsequent meeting about a month or so later where with Serge – sorry, at the Blackrose Café there was – it was with Serge and, and Frank.---And Frank.

20

And I'll just leave it at that at this stage.---Mmm.

Then you had a subsequent meeting about a month later again with Serge and Frank, with Andy, with Mr Matthews and with yourself and that's when you were served with some papers.---Yes.

And did you have another meeting at a coffee shop after the court hearing? ---With who?

30 With Frank and, and Serge, with Andy, Reuben and yourself to discuss the – what happened in court?---Probably. I'm not sure but.

You don't remember that?---I don't remember that.

All right. Now, if we can go back to the first meeting at the Blackrose Café. It was Frank and Serge, there was you and Andy. Mr Matthews wasn't there was he at that meeting at the Blackrose Café where Andy said words everyone's got to eat?---To be honest I'm not sure.

40 You're not sure?---No.

Thank you.---All right.

No further questions.

ASSISTANT COMMISSIONER: Mr Rushton?

MR RUSHTON: No, no questions. Thank you, Commissioner.

ASSISTANT COMMISSIONER: Sorry, you're?

MR TAYLOR: Taylor for Mr Cannuli.

UNIDENTIFIED SPEAKER: I'll be appearing for the next witness.

UNIDENTIFIED SPEAKER: Sorry.

10 UNIDENTIFIED SPEAKER: Okay.

MR TAYLOR: Sorry, Commissioner, referring to me. Taylor for Mr Cannuli. I don't wish to ask any questions.

ASSISTANT COMMISSIONER: Thank you, Mr Taylor. Have you had leave, Mr Taylor?

MR TAYLOR: Yes, when Mr Cannuli appeared on the second occasion.

20 ASSISTANT COMMISSIONER: Okay. Thank you. Yes, and you're?

MR ROBINSON: I'll be seeking leave of the Commission to appear for Ali Abdul-Rahman. Mark Robinson.

ASSISTANT COMMISSIONER: Mr Robinson, yes, I'll grant you leave. Thank you. Mr Rushton, you - - -

MR RUSHTON: I have no questions, Commissioner.

30 ASSISTANT COMMISSIONER: No questions. Thank you. Any others apart from Mr Patterson? Mr Patterson.

MR PATTERSON: Thank you, Commissioner. Mr Kabite, I represent – my name is Patterson and I represent Mr Izzard. Mr Kabite, I think you said that you weren't feeling very well this morning. Is that right?---That's right.

And you have been under a considerable amount of pressure.---Something like that.

40 And you were anxious for your testimony to come to an end weren't you?---
(No Audible Reply)

I want to suggest to you, Mr Kabite, that some of the answers that you gave to Counsel Assisting this morning were not correct and I want to suggest that you accepted a number of the propositions that were put to you by Counsel Assisting – after many repeated questions you accepted because you simply wanted to be out of here.---No.

That's correct isn't it?---No, no. Not exactly.

Not exactly. We'll come back to some of those things later. Now Mr Kabite, you know Angus McVay?---Yes, I do.

And to your knowledge was he making application to Blacktown Council to allow fill on to the Bandon Road site?---That's what we've been told, yes.

10 And was it your experience that Mr McVay allowed you to bring material, loads of material on to that site that contained things like bricks?---No.

Concrete?---I told him about some concrete and stuff, but - - -

Is it your evidence that most of the stuff that you brought on to that site was clean fill?---Yes.

And to your knowledge is that what Mr Izzard thought?---Sorry?

20 To your knowledge is that what Mr Izzard believed?---Yeah.

Did Mr Izzard perform any work for you at the Bandon Road site?---What do you mean, like any work?

Did he do anything there apart from his official duties?---Yeah, he used to come and have a check, have a look.

ASSISTANT COMMISSIONER: Sorry, he used to come and?---Check the soil there.

30 Check the soil?---Yeah, have a look.

MR PATTERSON: And you had discussions with Mr Izzard about setting up a skip bin business. Is that correct?---Correct.

You didn't have any discussions with Mr Izzard about using the farm, as it's being referred to, as a landfill site?---Not at the beginning, no.

40 No. And did you tell Mr Izzard that you were changing operations from an intended skip bin business to a landfill site?---No, no. I didn't say that but he, I told him that we're going to bring some loads just to level the land.

And you mentioned nothing about landfill?---Yeah, landfill, yeah.

You didn't tell him that you intended to use it as a landfill site?---No, I didn't say that.

There were some questions a few days ago about a small bin which was taken to Mr Izzard's place. Do you remember that?---Yes.

Did Mr Izzard tell you that the owner of – that the owner of that small bin had gone into liquidation or receivership and didn't want the bin?---I don't remember.

Is it possible that he told you that?---I don't know, maybe.

You've been asked some questions about Mr Izzard's other telephone number. Would that be [REDACTED]---I'm not sure.

10

That number is not familiar to you?---Probably because maybe I got it on my phone, but I don't remember it.

If I was to suggest to you that that is Mr Izzard's private business number would you accept that?---I just know that was his other number but I don't know what he using it for.

Does the, does the name Energy Awareness CO2 mean anything to you?
---Any?

20

Energy Awareness CO2 are you familiar with that name?---Anna?

Energy Awareness CO2?---No.

That's Mr Izzard's business name. You're not familiar with that?---No.

Did you not have some role to play in that business?---Role?

Yes?---What do you mean by role?

30

Did Mr Izzard not place some cool room units with you?---Yes, yes.

How many did he place with you?---Maybe four or five. I'm not sure.

And what were you to do with them?---I sold them to people.

When you say you sold them to people, what did you actually do?---What do you mean, sir?

40

What did you do with the units?---I spoke to someone, he needs it and they bought some.

And did you arrange for them to be installed?---No, not me. They did.

And what was the arrangement that you had with Mr Izzard for payment of those units?---I send them to people then I get the money.

And so - - ?---1,200 for him, 300 for me.

And how much have you paid him so far for the units?---800.

800. And just tell the Commission again what the arrangement was, how much were you to pay Mr Izzard?---1,200.

For the units, yeah?---Yeah. I'll take 300.

Per unit how much?---15 all up.

10

1,500 per unit?---Yes.

And so he gave you how many did you say?---Four or five. I've still got two of them at home.

So for the sale of three units that would be about \$4,500 wouldn't it?---Yes.

And you were to pay him when you got a drink for those units weren't you?---A drink?

20

Yes. When you received payment for those units - - -.---Yes, yes, when, when I get the - - -

- - - you were to pay him.---When I get the money I give it to him, yes.

Yes. And he referred to that as a drink didn't he in discussions with you?---Probably.

And you've paid him only \$1,200 so far haven't you?---\$800.

30

800. Now, have you ever heard Mr Izzard use the term having a drink in the sense of going to, going to work or earning a living?---(No Audible Reply)

Is it possible that you have?---I'm not sure.

But you tell the Commission that in fact Mr Izzard did supply you with cool room units - - -.---Yes, he did.

40 - - - and that was an actual business in which he's involved and that it wasn't a fiction for some other purpose. Do you understand what I mean by that?---No.

This business that Mr Izzard was conducting was in fact a real business and you had a role to play in it.---Yeah.

Yes. Now, you were asked some questions about two telephones that were supplied to Mr Izzard and you said that was just a favour, a cultural thing. You accept that without my taking - - -?---Yes.

- - - you to the transcript?---Yes.

You used those words?---Sorry?

You used those words?---Yes, I did.

Yes.---I did.

10 Now, Mr Izzard didn't – I withdraw that. You were the one that offered Mr Izzard a phone weren't you?---Yes.

And that was because you noticed that his business phone was an old model?---That's right.

And that you could get a more modern version cheaply?---Yeah.

He didn't ask for it you, you offered it didn't you?---Yeah. First time, yeah.

20 Yeah. And the second time that you gave him a phone was to replace the first one wasn't it?---Yeah, that was – he said the other one was broken.

The first one was broken.---Yes.

Or didn't work. Now, you were asked questions by Mr Mack about pushing the DA for Mr Beydoun. Do you remember those?---Yes.

30 What did you think Mr Izzard could do to speed up the approval process?
---Just advices how to do the application or how to fill it up, what's the best words.

To fill in the application?---Yes.

He had no role to play at council in the approval process did he?---No.

Did you think Mr Izzard had someone in the council who could assist with the approval process?---Yeah.

40 Why did you think that?---Well that was my opinion but - - -

Mr Izzard wasn't employed in the council was he?---No, he has got connection, but that's what I saw, like he didn't say anything to me but - - -

He didn't say anything to you about having connections in the council?
---No, but we speak about like we get them to get this application done.

You thought he was a council guy didn't you?---Yes.

But in fact he wasn't was he?---Yes, he was.

He wasn't employed by Liverpool Council?---At the time yes he was.

I put to you that's not right. He was employed by the Western Sydney RID wasn't he?---Oh, yeah, yeah, you're right about this.

You're confused about that aren't you?---Yes, yes. Yep.

- 10 So when you thought that Mr Izzard was a council guy you were entirely wrong weren't you?---Well I just found out he's not council because RID Squad that mean they council isn't it, Illegal Dumping Squad?

Did you ever, you never told Mr Izzard that you would pay him some money if he got the DA approved did you?---We didn't discuss that, no. But - - -

No, it was never discussed?---No. At the beginning no.

- 20 Or ever?---No, I - - -

You never had a discussion with Mr Izzard about paying him for getting the job done did you?---Like we didn't speak like straightly but - - -

No?--- - - - I had the intention to give him some money.

You had the intention but you never told Mr Izzard that?---(No Audible Reply).

- 30 No. Now at transcript page 799 about line 9 could the witness be shown that? Mr Mack said this to you, "Was there an understanding that if the application got through Mr Izzard would get some money?" And your answer was, "Yes." That's not true is it? There was no such understanding was there?---It was true.

That was your belief?---Yeah, that was my belief, yes.

- 40 But there was no common understanding with Mr Izzard about that. You never discussed it with him. You've just told the Commission that?---Yes. (not transcribable) but - - -

Thank you. So I put to you that, I put to you positively that there was no common understanding that Mr Izzard would get a drink if the development application was successful. Do you accept that?---Say again, please.

I'm putting to you as a positive statement that there was no common understanding between you and Mr Izzard that he would get a drink or get paid if the development application was successful?---Yeah.

You accept that?---Yep.

Now if the witness could be taken to page 791, line 9 of the transcript. You were asked by Mr Mack, "Did you tell Craig you were getting paid \$10,000?" Your answer was, "No, never."---Yeah.

That's true isn't it?---Yeah.

10 And I put to you that you never had a conversation with Mr Izzard about giving him something if the DA went through. That's true, isn't it?---Yeah.

If the witness could be taken to transcript page 769, line 12. When Mr Izzard asked you if you were able to pay for the energy units, he referred to a drink, didn't he?---I didn't get you.

When Mr Izzard – I'll repeat the question. You had discussions with Mr Izzard about paying him for the energy units that he had supplied you. ---Yes.

20

And I'm putting to you that in those discussions when he referred to a payment, he referred to a drink. That's right, isn't it?---Yeah, that's right.

So when Mr Izzard referred to a drink, that could mean approval or success or a legitimate payment, couldn't it?---I don't know.

ASSISTANT COMMISSIONER: Sorry, what was your answer.---I said I don't know.

30 You don't know - - -?---What does he mean by that?

Thank you.

MR PATTERSON: But you acknowledge, you acknowledge that you owed Mr Izzard money for the power, for the coolroom units?---Yes.

And he referred to those payments as a drink.---Maybe.

You accept that?---Yeah. Money, we call it drink all the time.

40

I'm sorry?---Money, we call it drink.

Yes. It doesn't necessarily mean a bribe, does it?---No, doesn't have to be all the time.

Now, Mr Mack asked you questions about your calling Mr Izzard following the interview with Frank and Serge on 10 March, 2015. You remember those questions?---Yes.

Now, I put to you that the reason you called Mr Izzard was because questions were being asked about him at that meeting. His name was mentioned.---Yes.

And his name was first mentioned by a Mr Bono, was it not?---I think so.

And that was a legitimate reason for phoning Mr Izzard, wasn't it?
---Probably.

10

You thought that he should know that his name had been mentioned at that interview.---Yeah, we mention, when I spoke to him, we mentioned that, yeah.

Now, if the witness could be taken to transcript page 788, lines 36 to 40. Lines 36 to 40. Mr Mack put to you, "And so you thought Mr Izzard would be able to speed up the process, is that correct?" And your answer is, "Well, it's not like that exactly, but I guess maybe Craig knows someone you can put the application."---Yes.

20

"Knows some way you can put the application and get it done quicker but I didn't know he's got someone in there or something because obviously he doesn't".---Yes.

That's true isn't it?---True.

And you agree that there is no way that Mr Izzard had of influencing the development application approval process in council?---Yeah.

30 It just wasn't his role?---(No Audible Reply)

Thank you. Now, if the witness could be taken to page 773 of the transcript. If I was to say to you that you told Mr Mack that Mr Izzard was going to the property 30 Bellfield Avenue to check the zoning, is that – do you recall that evidence?---That's right.

I don't have to take you to the transcript for that do I?---Yes, yes, I remember that.

40 You said that he was going there at your request to check the zoning.
---That's right.

And to speak to the owner - - -.---Yeah.

- - - to ascertain the zoning and Mr Mack asked you some questions about why Mr Izzard would need to speak to the owner about the zoning. I want to put to you, Mr Kabite, that the reason Mr Izzard went there with Eric

Ryffel was because you told him that the occupant of the shed was taking waste in there. That's correct isn't it?---That's right.

Now, if the witness could be taken to page 793 of the transcript. Unfortunately I didn't make a note of the line number. Just if that could scroll back up. Thank you. You say, "But when I took the money Craig got no idea. That's correct isn't it?---Correct.

10 I want to suggest to you that when Mr Izzard was speaking about your taking a drink he was referring to you doing business with Mr Beydoun after the development application had been approved. You accept that?---Yes.

You were looking to do business with Mr Beydoun in the skip bin industry weren't you?---Probably.

If the development application had been successful and your skip bin business and the skip bin business had been approved you were going to derive benefit from Mr Beydoun. That's right isn't it?---Yes.

20 Now you say at page 795 of the transcript that you were going to offer Mr Izzard money if the development application was approved?---Correct.

You didn't tell him that did you?---Not straight in, not clearly, just - - -

You didn't tell him that at all?---No.

30 Now if the witness could be taken to page 776, line 45. Line 45. You used these words, you said to Mr Mack, "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 council. I'm not going to lie about this." You never used those words in a discussion with Mr Izzard did you? You never said to Mr Izzard, even if we have to pay some money for someone in council?---I said something to Craig, yes.

But you never used those words?---No, I do whatever necessary to get it done.

Do whatever is necessary legitimately and properly to get it done?---Yes.

40 Because Mr Izzard couldn't do anything else could he?---(No Audible Reply).

Pardon me a moment, Commissioner.

ASSISTANT COMMISSIONER: Did you answer that question?---Yes (not transcribable)

Sorry?---I did.

And what did you say?---We'll do anything necessary to get it done.

MR PATTERSON: I put to you that that was anything properly and legitimately to get it done, you agree with that?---Yes.

Because Mr Izzard couldn't do anything illegitimate or improper to get it done?---True.

10 Correct?---Yeah.

Transcript page 800, lines 8 to 10. Mr Mack put this to you, "And for him to get something out of it if it went through he'd have to ask you for some money wouldn't he? He'd have to ask you for some drink then." Your answer was, "Obviously."---Yes.

Mr Izzard never asked you for money or a drink did he?---For this one?

Yes?---No.

20

He never asked you for money or a drink about anything, did he? Apart from the coolrooms.---Not exactly.

ASSISTANT COMMISSIONER: Pardon?

MR PATTERSON: I didn't hear you.

ASSISTANT COMMISSIONER: What did you say?---Not exactly.

30 MR PATTERSON: Not at all.---No, I - - -

He never came out and asked you for money or a drink in any discussion he had with you.---He, we never discussed any money.

No.---Like, but I, we knew about it.

In your mind?---Sorry?

In your mind, he knew about it?---Yeah. In my mind, yeah.

40

And you might have been wrong, mightn't you?---If you say so.

If the witness could be taken to transcript page 812, about line 25. You say, "To be honest, he did ask me if I'd take it away, and Craig never see any rubbish digging or doing, never seen. Always the place clean."---I think so.

He didn't just ask you to take it away, did he? He ordered you to take it away.---Yeah, he said this one must go, yes.

He issued you with an oral direction to take it away.---Yes.

Yeah. And in fact you did take it away, didn't you?---Yeah.

If the witness could be taken to transcript page 806, line 25. You're asked, "Did Mr Izzard have an interest in the material that was brought into the Bandon Road yard?" Your answer, "No." That's true, isn't it?---That's right.

10

If the witness could be taken to transcript page 844, line 16. Mr Mack said to you, in the context of bringing in dirty loads, "But Craig did." And your answer was, "But he doesn't know about it." That's true, isn't it?---True.

Transcript page 755, line 20 to 30. Just scroll down a bit further, please. Scroll up, I'm sorry. Thank you. Just scroll down, that line 25. "Did Mr Izzard know that you were bringing loads of dirty fill into Bandon Road?" Your answer "No, no"?---(not transcribable)

20

"Did he ever tell you to so you never told him that?" You answer "No". And you were asked "And do you think his reaction would've been if you told him that you were bringing dirty loads into Bandon Road?" Your answer was "He would've stopped me for sure". That's all true, isn't it?---Yes.

And you gave evidence that every time Mr Izzard came to Bandon Road everything was covered. He saw anything only once he saw and he took pictures, do you remember that evidence?---Correct.

30

And that was the time when he told you to remove the material, wasn't it?---That's right.

Now I want to put to you that Mr Izzard did not know that you were bringing dirty loads into Bandon Road, do you accept that?---Yes.

And the reason he was not nervous is because he didn't know you were illegally dumping, do you accept that?---Yeah.

40

So it's not true that Mr Izzard was covering your back for an improper person, an improper purpose, is it?---Well, I think he was like that's my opinion.

That's your opinion?---I think he was, yes.

And your opinion might be wrong, mightn't it?---(No Audible Reply)

Now I want to put to you that Mr Izzard never asked you to arrange a massage, never?---A massage?

Yes?---Yeah. He rang me once I don't know it was - - -

You don't know?---We spoke about it.

Mr Izzard never asked you to arrange a massage, did he?---We spoke about a massage but it didn't happen.

It didn't happen?---No.

10

And you never arranged a massage for Mr Izzard?---No, no. No.

Now you gave some evidence about firewood, do you recall that?---Yeah.

Do you remember who it was that delivered the firewood?---My nephew maybe or my son, I'm not sure.

Or both?---Or both of them, yeah.

20

Now I want to put to you that Mr Izzard put a \$50 note on the front passenger seat of the vehicle which delivered the firewood. It may have been your son's ute or your nephew's ute. Do you accept he did that?---No idea. No one told me. Ah, yeah, probably.

No idea. So if \$50 was left on the front passenger seat of the vehicle your son or your nephew didn't tell you about that?---Probably, possible.

And it was only half a ute full, wasn't it?---Something like that, yeah.

30

Worth about \$50?---No, it was 80 or a 100, I'm not really sure, 120 something like that.

Not much more than 50 if it was more than \$50 at all?---Maybe.

Maybe. Now Mr Kabite, to your knowledge between 1 January, 2015 and 19 May, 2015 did Mr Izzard solicit a commission from Antonio Barillaro in exchange for not investigating allegations that Mr Barillaro was involved in carrying out illegal landfill operations?---I have no idea.

40

To your knowledge did Mr Izzard between 1 January, 2015 and 19 May, 2015 solicit a corrupt commission from Reuben Matthews in exchange for not investigating allegations that he was involved - - -?---No way.

- - - in carrying out illegal landfill operations?---No.

To your knowledge did Mr Izzard prior to 8 December, 2015 solicit a commission from Ibrahim Beydoun in exchange for visiting a property at 30 Bellfield Avenue, Rossmore - - -?---No.

- - - to ensure the occupant was leaving so that Mr Beydoun could then utilise the property as a waste transfer station?---I told Craig to go there.

But you have no knowledge of Mr Izzard soliciting a commission from Mr Beydoun - - -?---No.

- - - do you?---No.

10 And did Mr Izzard between 1 November, 2015 and March, 2016 solicit a corrupt commission from you in exchange for not investigating whether you were involved in carrying out illegal landfill operations?---Where, which area?

Do you want me to repeat the question?---Yes, please.

Did Mr Izzard between 1 November, 2015 and March, 2016 solicit a corrupt commission from you in exchange for not investigating whether you were involved in carrying out illegal landfill operations?---No.

20

Now, earlier this morning it was put to you that it was clear that you were doing a job for Ali Abdul-Rahman and that there was a bribe involved.---A bribe?

Yeah. You said that you and Mr Izzard were co-operating to get bribes. That's not correct is it?---I was.

You were. Mr Izzard was not was he?---At the beginning, no.

30 No. And you said, "We were going to get money. It was sort of our understanding." I'm putting to you there was no such understanding. That was all in your mind wasn't it?---Yeah, at the beginning, yes.

At the beginning and at any time?---Yeah.

Correct. So the evidence that you gave this morning about that simply was wrong wasn't it?---No, it wasn't wrong. Probably misunderstand.

40 A misunderstanding. Is that what you said?---When Ali asked me for something I said – ask Ali. He didn't – even, even Ali doesn't – he just said this guy operates in his business was without a licence. Can you can your friend or do something about it because – and I said to him well, anything my friend is going to do he's going to – we're going to get some money.

That was your intention to give him some money?
---Yes, yes.

And you said this morning, "I gave Mr Izzard cash money on two or three occasions." Do you remember that?---Yeah.

Was that in relation to the – for the cool room units?---The cool room units, the money is still owing but the guy – I don't know he just took like friendly way not like - - -

10 You said that the money that you gave – the cash money you gave Mr Izzard was money that he borrowed from you?---Yeah, it's borrowed money.

He never borrowed money from you did he? That was just wrong?---I took it that way, so - - -

Now earlier this week you said that a lot of lies are told in the industry. Remember that?---Yes.

20 You don't need me to take you to the transcript about that do you?---No, no, no need. I remember.

If the witness could be taken to phone call 2-4-6-8 on 27 November, 2015, which is part of Exhibit 24. You say to Taleb, "Craig is coming here at 2 o'clock and he wants his weekly payment." That was a lie wasn't it?---Yes.

Now Mohamad Taleb is your nephew is he not?---That's right, yeah.

And he wouldn't tell a lie would he?---(No Audible Reply).

30 No. Could the witness be taken to transcript page 608 about line 9. You agreed with me that Mohamad Taleb would not tell a lie don't you?---Tell a lie to who? To me?

He wouldn't tell a lie to you?---No.

Or at all?---I don't know maybe, but most of the time no.

Transcript 608, line 9. Transcript 608?---Excuse me. Now this is Mr Mack - - -?---Excuse me.

40 - - - questioning your nephew, Mohamad Taleb. Mr Mack asked you this but you don't know what Nosir was referring to when he said, "We want \$2,000 for Craig at half past 8.00." Do you see that?---Yeah.

And your nephew answered, "Nosir just wants money for, Nosir just wants money, so he will dig up a reason from anywhere, he will, he will. He will fabricate an excuse from overseas, so this is why I never pay any attention to anything he says." That's true, isn't it?---Mmm.

That payment that your nephew was referring to, the \$2,000, that was a payment for you, wasn't it? And you had no intention of sharing any of that with Mr Izzard, did you?---No, no. No, no.

In fact, you have never paid any bribe money to Mr Izzard, have you?---No.

And you're not aware of anyone else having paid any bribe money to Mr Izzard, either directly or by means of you as middleman? That's true, isn't it?---Can you repeat that question, please?

10

You're not aware of any – I'll withdraw that. You've just told the Commission that you have never paid any bribe money to Mr Izzard, correct?---Yes. Correct.

And you don't know of anyone else having paid any bribe money to Mr Izzard, do you?---No.

20

So the evidence that you gave this morning about there being a common purpose to extort money from people for bribes for things that Mr Izzard could not do, simply false. That's right, isn't it?---Right, yeah.

ASSISTANT COMMISSIONER: Sorry, what was your answer to that?
---Is, um - - -

What was your answer?---He said something about getting money from people.

Would you like to hear the question again?---Yes, yes, please.

30

MR PATTERSON: You said this morning there was a common understanding that you and Mr Izzard would get money from people for things that you have admitted Mr Izzard could not do.---Correct.

Right. When you say that Mr Izzard and you had a common purpose to extract bribe monies from people, that's just not true, is it?---Well, it's not like that exactly.

No, you might have had that intention.---Yes.

40

But Mr Izzard didn't. That's what I'm putting to you. You accept that?
---Yeah.

Thank you. Thank you, Commissioner. I have no further questions.

ASSISTANT COMMISSIONER: Thank you.---But, yeah, your last question was - - -

Sorry?---I'm not sure about the last question, so - - -

You're not sure - - -?---Last question he ask me.

Yes?---I'm not sure about it hundred per cent, so - - -

Would you like to answer the question again? Would you like to tell me what your confusion is?---Yes.

10 Yes, tell me.---Can you repeat the question, please, sir? Last question? But in different way so I can understand, please.

MR PATTERSON: You said this morning that you and Mr Izzard had a common understanding about getting money from people. And you've admitted that Mr Izzard had no influence with the council at all.---Yeah.

20 So you may – I'll put it this way. You may have had an intention to extract bribe monies from people but Mr Izzard did not. You accept that?---Well, in my opinion he's got an idea but we didn't, we didn't speak, like, straightforward. That's the point.

Mr Izzard never was paid any money.---By me?

Yes.---No.

No. And you don't know that he was paid money by anyone else?---No.

No. You did supply him with two telephones.---True.

30 You supplied him with a skip bin which - - -.---Yes.

- - - he is yet to - - -.---Yes.

- - - which is yet to be removed from his place.---Yeah.

You accept that?---Yeah

40 And you – and which is – and would you accept that it is his intention to pay for it to be removed after this Commission is concluded?---Yeah, he, he mentioned something like that but my intention I didn't want to charge him.

And you accept that there was firewood delivered for which he made a payment?---That's right.

And they're the only benefits that he has received from his association with you?---Phones, yes.

Yes.---And firewood, yeah.

So would you accept from me that Mr Izzard was an honest RID officer going about his duties as, as well or as poorly as the case may be? He may not have been perfect in carrying out his job but that's what he was doing. You accept that?---Yeah.

And you accept that the only mistake that Mr Izzard made was in forming a relationship with you?

10 ASSISTANT COMMISSIONER: I think there are a few questions in there, Mr Patterson.

MR PATTERSON: I'm sorry. Would you, would you accept that Mr Izzard was going about his job in the best way he could?---Yes.

And that there may have been shortcomings in the way he performed that job but he did not act in any way that could be described as corrupt. Do you accept that?---I don't understand the question.

20 You're not aware of anything that Mr Izzard did wrong in the performance of his duties are you?---No.

No. And the only - - -?---Except what we spoke about, no, I don't know nothing.

The only mistake that Mr Izzard made was forming a friendship with you? ---Is that your opinion?

30 Thank you, Commissioner. No further questions.---Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Mr Kabite, I just want to clear up something in relation to these refrigeration units.---Yeah.

How long after you met Mr Izzard did you first receive the refrigeration units?---How long after?

40 Yeah.---Seven or eight months or something.

Seven or eight months.---Yeah.

And did you say you had five in total of these?---Yes. Four or five, yeah.

Four or five and you've still got?---Two of them.

Has Mr Izzard ever asked for any of them back?---No.

I'll just take you to transcript 844 and you see this question, "Is Frank, the other council guy you knew" and you said, "No." And I said, "Do you think Serge would have let you do it?" And you said, "No." And then I said, "But Craig did." And then you said, "He doesn't know about it." And then you started saying, "Only maybe last."---Yeah, I remember.

10 Does that mean he maybe knew about some, some dirty loads last or some loads last, towards the end?---He only, only once he saw that load and some other loads, but just saw bricks or something. But he didn't see any – and once I said that rubbish cloud, he said, honestly he said to me I have to take.

You have to move it?---Yes. And even he took picture or I don't know.

And, sorry, who took a picture of it?---Craig.

20 Craig. At the – you were asked questions before in relation to what your intention was and what Mr Izzard's intention was and you kept starting your answers or you'd finish your answers with at the beginning, at the beginning. Is it the case that at some stage in your relationship with Mr Izzard he came to understand your relationship differently?

MR PATTERSON: I object to that. This witness can't answer for what Mr Izzard understood.

30 ASSISTANT COMMISSIONER: No, perhaps he can't. But I think the question is really directed at the fact that a couple of the times you said at the beginning as though you were making a, a distinction between the beginning and the end?---Mmm.

So what is the distinction between the beginning and the end? What's the difference?---Well at the beginning like it's real like it's not quite clear everything. But after we started understanding each other.

After?--- We start understanding each other.

40 Yes?---That mean if, if I want to ask Mr Mack to do me a favour and of course I would show some, something make him understand that I will, I will look after him or - - -

Okay?---I mean he'll get something in return.

Sorry?---He'll get something in return.

In return he'll get something?---Yeah.

Well I know you've spoken about that in chief and in cross-examination and now you're talking about it again and you talk about the understanding

between you and Mr Izzard. What was the understanding and how did you know what the understanding was?---Like for example if, if I say I'm going to, I've got this guy he's got a DA application we have to help him this and that, that mean, it's obviously like he knows we're going to get something in return. That's what I mean.

Okay.

10 MR MACK: That's all the questions I have, Commissioner. They are the questions I have, Commissioner.

ASSISTANT COMMISSIONER: Just one thing Mr Kabite, the, the truck, the load that Mr Izzard asked you to move what was, what sort of a load was - - -It was a rubbish load.

Sorry?---Rubbish.

When you say rubbish what do you mean?---Demolition waste and - - -

20 What timber and tiles and - - -?---Yeah, yeah.

A mixture of things?---Mix, everything.

All right, thank you. Did anyone want to ask any other questions arising out of any of that? Then can we excuse Mr Kabite?

MR MACK: Perhaps over an abundance of caution if he's stood down until the end of the inquiry until the end of Mr Izzard's evidence?

30 ASSISTANT COMMISSIONER: Yes, yes. Okay. Just wondering about everything. He hasn't feeling well for a couple of days, I'm just wondering whether he can go home?

MR MACK: I'd be -- yeah. And the Commission can give the witness - - -

ASSISTANT COMMISSIONER: Yes. We'll give him that, yeah.

MR MACK: - - - reasonable notice to attend if need be.

40 ASSISTANT COMMISSIONER: Yeah. You can stay if you like, Mr Kabite but you can go home. And if you -- if we need you again we'll get in touch, okay?---Okay. I'll leave my phone number.

Yes, thank you?---Thanks, your Honour.

THE WITNESS WITHDREW

[3.31pm]

ASSISTANT COMMISSIONER: Yes, Mr Mack.

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

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

10 MR ABDUL-RAHMAN: Affirmation.

ASSISTANT COMMISSIONER: Thank you, just take a seat.

And again I make an order 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
10 having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Mr Abdul-Rahman, do you recall on the last occasion me
30 asking you questions about how many times you'd met Mr Izzard?---(No Audible Reply)

Yes, you do recall that?---I remember you asking me, yes.

And we were trying to establish precisely when and how many times you'd met Mr Izzard?---Yes.

And your evidence was initially that you'd only met him once?---No, twice I
40 said.

Twice?---Yes.

Well just to be clear, what are those two times?---The first time I met him at Badgerys Creek, on my property.

Yes, correct?---And the second time I went to a meet him at a service station but I actually never met him. But the second time I actually met him at the Council office where he was working. So I've only met him twice.

So who was the service station?---It was Nosir.

Mr - - -?---When you spoke to me last time it all started coming back to me. It was Nosir at the service station not, not Craig.

Were you in the court room, the hearing room this morning when Mr Kabite gave his evidence?---Yes, sir.

10 Did you ever arrange or try to arrange for Mr Izzard to visit somebody who was operating without a licence?---Yes, I did, when I talked to him, yes.

When you talked to Mr Izzard?---I didn't talk to him, no.

Well, who did you talk to about it?---I spoke to, I think I, no-one, actually. I didn't speak to him about it at all. Yes, I can't remember, to be honest. It's been such a long time ago. And I'm trying to remember. It's just too much. It's just too much to try to remember everything. Like, I've got a business.

20 You recall some of it, though?---I do recall some of it, yeah. But it was - - -

What do you recall?---I recall talking to Nosir, Nosir.

You recall having a conversation with Nosir?---Yes, I was.

About getting Mr Izzard to do a job?---I can't remember, because I haven't seen him in probably, I think probably about 18 years. And just the way he came across to me, I just can't remember what we were talking about. It was just, I haven't seen him for such a long time, so I just can't clearly
30 remember what we were talking about.

We know that you paid ATM Excavations \$18,000 - - -.---Yes.

- - - in July 2015.---Yes.

And we also know that you, well, you accept that you had a conversation with somebody about getting Mr Izzard to do a job for you.---Well, that's what I heard this morning, yes.

40 Well, do you accept that you had that conversation with someone?---Not about the money at all, no.

No, not saying about the money.---I never, I have never - - -

They're two separate things.---Yeah. I have never paid money for Craig Izzard or for Nosir to do anything for me. Nothing.

I, but the - - -?---The money was paid like he told you this morning. \$18,000 was, he asked me to loan him money for an excavator and that was it.

And you paid it to him?---Well, it was actually my wife. She made the cheque to Nosir. That's the only money I've ever given Nosir. And the reason it's gone on for so long is me just chasing my money back.

10 So the conversation about Mr Izzard doing a job, did that occur after you paid the money to Nosir?---No, the money was paid when I met, like, a couple of days after I met Nosir. That was long before that offer.

That's the \$18,000. I'm not saying that that \$18,000 went to Mr Izzard. I'm not saying it's related. I'm asking you a separate question now about a separate conversation you might have had with Nosir. Okay? So put that to one side. Put the cheque to one side. I want you to focus your mind on a conversation about Mr Izzard doing a job. Can you recall a conversation to that effect?---I can't recall. I don't remember saying anything about money to Nosir about - - -

20

I'm not saying about money.--- - - - a job or anything like that.

I'm saying do you, did you have a conversation with Nosir about Mr Izzard doing a job?---I can't remember.

Are you telling the truth?---Of course I'm telling the truth. I can't remember.

30 Were you in competition with somebody who you wanted to have shut down or disrupted?---There was a lot of, there's a lot of customers around the one area that do what I do, yes. Doing it illegally, yes.

Dumping illegally?---Crushing sandstone illegally.

Crushing sandstone illegally - - -?---Yes.

- - - and dumping illegally or just - - -?---No, just crushing sandstone illegally.

40 So it's in your interests – I withdraw that. So do you say that Nosir was lying this morning when he said that you had had a conversation with him about doing a job with Mr Izzard?---There was no job. There was no job to do. I think I asked Nosir to – I can't remember clearly exactly what we spoke about. But I remember there was never a job. There was nothing like doing a job for him, you know.

When did you see Nosir at the service station?---How long ago, what time?

Yes.---How long ago, I don't remember.

You don't remember.---Don't remember.

Was it night-time?---No, it was during the day.

What service station was it?---A service station on Elizabeth Drive five minutes away from my quarry.

10 Why did you want to meet Nosir there?---I didn't want to meet him there.

Did Nosir want to meet you there?---I didn't even know he was there.

So it was a coincidence was it?---It was, yes. It's – when we go and get lunch and when we get coffee or when we get something it's at the service station. It's Badgerys Creek - - -

20 Did you arrange to meet Mr Izzard there?---I rang up – it wasn't intentionally to meet Mr Izzard there. I rang up Mr Izzard to meet me onsite at Badgerys Creek quarry. I was meant to meet him onsite.

That was the first time ?---Sorry?

Was that the first time?---That was – I was meant to meet him there. That should have been the second time.

It should have been the second time but - - -?---It should have been but I didn't meet him at the service station at all.

30 Well, I'll take you to phone call 4-8-0-0 on 28 January, 2006 (as said) and it's part of Exhibit 29.

ASSISTANT COMMISSIONER: Sorry, did you say 2006?

MR MACK: 2016, 28 January. Did I say 2006.

AUDIO RECORDING PLAYED

[3.42pm]

40

MR MACK: I don't need to play it, I just want the transcript. I can play you the call if you want but you've heard it so I'm just going to take you to the transcript.---Yeah. Thank you.

Page 2 of the transcript. You say, "You know that guy Nosir I met on that service station".---Mmm.

How did Mr Izzard know that you met Mr Kabite at a service station?

---Because when I rang up Mr Craig Izzard I asked him to meet me at Badgerys Creek on the site shed. We've got an office there on the quarry. He goes, "No, I'll meet you at the service station." I said, "Not a problem." So I went to the service station and I seen Nosir in front of me. He was probably about 10/15 metres ahead on a, on a bench and I couldn't work out why Nosir was there when I called Craig. So Nosir came along and kind of grabbed me and - - -

10 He grabbed you?---He grabbed me, yeah. Because I haven't seen him for such a long time he kind of grabbed me and pushed me and walked me to the side, you know, into another part of the car park and I said, "What are you doing?" I said, "What are you doing grabbing, like what are you doing, what are you doing here?" Like (not transcribable). He goes, "No, no, I just want to (not transcribable)." I said, "How did you know I was here?" like that. He goes, "I knew you were here." I didn't want to be seen with Nosir right and so I thought fuck – sorry for my language – but I was meant to meet Craig and I see Nosir and I thought where's, like where's Craig gone. So, you know, that's, that's what happened. Because I haven't seen him in such a long time he grabbed me.

20 How long, how long had it been since you'd seen him?---I think probably 18 years.

That's not right. This is 28 January, 2016. You gave him a cash cheque for \$18,000 eight months beforehand.---It couldn't have. I haven't seen him for a long - - -

30 All right. Well, I'll take you to the exhibit.---I'm sorry. I must, I must have my dates mixed up.

I'll take you to Exhibit 31.---I think you're wrong. Sorry. I'm not being rude.

All right. Well - - -.---But I just – I don't think it's right. Not being rude but my memory must be just, yeah.

I'll take you to Exhibit 31. It's a cheque.---Yeah.

40 From the Elford Group.---Yeah.

See the date at the top of that?---23, yes.

23 July - - -.---Yes.

- - - 2015.---Yes.

Is that your signature down the bottom?---No, it's my wife's signature I think.

Your wife's signature. But do you accept that - - -?---Yeah, we gave him the cheque yes, 'cause I told them to give him the cheque.

So is that right or wrong?---Well it should be right if that's what, that's right.

23 July, 2015?---All right. Okay.

10 All right. Well go back to the transcript of call 4-8-0-0. It's dated 28 January, 2016?---Oh I got my dates mixed up, I'm sorry.

Well - - -I did forget, like I said to you - - -

It's a fairly fundamental mix up because this is - he was meant to pay that loan back within three weeks you told the Commission?---Exactly three weeks, yes.

20 Yes. So that's in August 2015 and then you say you met Nosir coincidentally on 28 January, 2016 and he manhandled you into a carpark?
---Yes, I remember that. Yes, that's what happened. But I just - - -

Because you hadn't seen him for 18 years?---I hadn't seen him for 18 years, yes. I just got my dates mixed up. I remember loaning him the money, when he, when he first met me at the service station, two days later you know I ended up lending him money and then yeah, I was chasing my money ever since then.

30 You haven't seen him since when?---I've only, I've only seen Nosir probably three times in 18 years.

Once was to give him a cheque?---Once at the service station and I think I gave him the cheque but now you're saying I'm wrong. And the second time trying to chase him and getting my money off him. Like in 18 years I haven't seen the guy much at all. Sorry, but my memory is not the best. I've, like it's been a long time and I've, a lot of people that (not transcribable) for me and a lot of stress. And yeah, I've just got a very bad memory.

40 Well do you remember having, do you remember Mr Izzard coming over?
---To the service station?

Well have a look at transcript 4-8-0-0. It says, "The last time you came over", you're talking to Mr Izzard, "The last time you came over and I asked you not to talk to him, you know about me meeting up with him and he come back and told me straight away that you'd told me that you know what I mean." Can you recall meeting Mr Izzard and having a discussion about Mr Kabite?---The only time I remember is when I met him, this is for

the second time I was beside his, beside his, beside his work at the, at the council next door.

And you say that was three, maybe four months ago?---To be honest I look and my days are all over the place. I don't remember. I'm not going to sit here and lie to you and say I remember, no I don't. But the last time I ever spoke to Craig was about that.

Was about what?---About does he know Nosir.

10

Well you already knew he knew Nosir?---No I didn't know he knew Nosir.

Well he told you on 28 January, 2016. It's clear that you both knew that he knew Nosir?---No, he never told me he knew Nosir.

You're having a conversation with him on 28 January, 2016 - - - ?---Yes.

20

- - - a phone call and you say, "You know that Nosir guy I met at that service station?" And then Mr Izzard says, "Ah, yeah, yeah, that was a while ago." So it's clear on 28 January, 2016 that you - - -?---I talked to him about Nosir but he never told me he knew him. If he just said yeah, yeah, I don't know if he knew him or not. This is the reason why the last time I went to Nosir to ask him does he know Nosir and he said no.

I'm going to play you the phone call so you can listen to it carefully.---Yes.

It's phone call 4-8-0-0. It's on 28 January, 2016. And I might pause it after a little while, but we need to get this straight.

30

AUDIO RECORDING PLAYED

[3.50pm]

MR MACK: So just pausing there. Mr Izzard's indicating to you then that he does know Nosir.---Well, that's true. They told me then. I wasn't probably listening properly on the telephone. But, yes, I agree that the man says, yes, he knows who he's talking about.

40

All right. Going to take you – I ask that a suppression order be lifted on your compulsory examination pursuant to section 112, and I want to take you to page 198 of your compulsory examination, at line 30, and I ask that suppression order's lifted just in relation to page 198 at this stage.

ASSISTANT COMMISSIONER: And I lift the suppression order in relation to page 198.

**PURSUANT TO SECTION 112 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, SUPPRESSION
ORDER LIFTED IN RELATION TO PAGE 198 OF COMPULSORY
TRANSCRIPT**

MR MACK: At line 30, do you recall – sorry, sorry. Do you recall coming
into the Commission and being asked questions, not by myself but by
somebody else, and the Commissioner being here on 25 July, 2016?
10 ---Coming here?

Yeah.---I've only been here twice.

This is - - ----Oh, this is, yeah, sorry.

Yeah.---This will be the third time. Sorry, my apologies.

This will be the third time, yes. So this is the first time you came to the
Commission.---Yeah, yeah, yeah.
20

And this question was asked.---So this is my memory, just to show you how
bad it is.

All right. Well, this will refresh. The question was put, “Did Craig say he
didn't know Nosir or did he say that I don't know him and he's taking clean
fill and it's all legal?” And then you said, “No, he told me he doesn't know
Nosir.” “He doesn't know Nosir?”---That's true. He told me - - -

Have a look at the – this is what, this is your answer, okay? I need you to
read it. Line 30.---Yeah.
30

And the question was put to you, it's at line 32, “Did Craig say he didn't
know Nosir or did he say that I don't know him and he's taking clean fill
and it's all legal?” And then you said, “No, he told me he doesn't know
Nosir.”---Yeah, he told me he doesn't know Nosir.

He didn't say that, though.---Yes, he did. I asked him a question. I said,
“Craig, do you know that guy Nosir?” He says, “No, I don't know him.”

Well, when did he say that to you?---When we last, the last, last time. I met
him once and twice. The last time I met him. I only met Craig twice. So
the second time I met him, I asked him specifically, I said, “Craig, do you
know this guy Nosir?” He says, “No, I don't know him.” Because I was
after Nosir for my money.
40

The last call I played to you on Tuesday was call 1-9-64-5. It was the one in
Arabic.---Between me and - - -

Between you and Nosir?---Yeah. Can you not play that?

No, that's all right, I'm not going to play it?---It's a bit rude.

I'm going to take you to a part of the transcript though?---Yeah.

10 And at page 3 it says at the bottom, Nosir says, "When did it happen now?"
And then you say, "He called me about, um, the time was, Nosir about 2.00,
half past 1.00/2.00 so I'm calling to see is it you or the other Nosir that went
bankrupt?" And then Nosir says "No, no. It's me, it's me". And then you
say "It's you". Do you follow me? I'm just reading out from the transcript?--
I'm just listening to what you were saying sorry.

All right. Well, perhaps it's easier - - -?---Because it's hard, a bit hard to
read and understand at the same time so (not transcribable)

All right. If it's easier for you read - - -?---No, it's actually easier for me to
listen.

20 Okay. All right?---Sorry.

That's okay. Nosir says to you "No, no, I'm the bankrupt one". And your
reply is "It's you?" As you're a bit surprised as he was the bankrupt one?---
No. Another Nosir I was talking about. There's two Nosir's.

30 Yes. I need you to read the question. Have a look at the bottom of page 3
and look at what you say?---I don't understand what that was about. I'm not
being rude but I honestly don't understand it. I can tell you, I can tell you, I
don't need to read it, I remember that part of what happened.

Well what do you remember about - - -?---I remember that ICAC rang me
up and I was having an argument – before ICAC rang me I had an argument
with my brother-in-law and ICAC rang me up. And they said to me
something with relations with Nosir. And that was it. And this went on.

Well was it two Nosir's?---It is two Nosir's, yeah. I know two Nosir's, yeah.

40 Yeah. And you asked Nosir, "Are you bankrupt"?---Yeah. It wasn't, it
wasn't Nosir. I think I was talking to someone from ICAC. Because the
guy from ICAC was asking me do you know Nosir and I said "Which Nosir
are you talking about?" I said "There's two Nosir's. The one that's gone
bankrupt or the one that's not gone bankrupt?" Because he told me his
second name and I don't know none of their second names.

All right. And then you had – and then you ring up Nosir - - -?---I rang him
back later, yeah.

Yeah. And you had this conversation with Nosir, the one that's on the screen?---Yeah. That's right.

And you tell Nosir that you've just been rung up?---By ICAC, yes.

By ICAC?---Yes.

And ICAC's mentioned two Nosir's to you?---Yes.

10 And then you say, "Well one of the Nosir's was bankrupt"?---Yes.

And then Nosir says to you, Nosir Kabite says to you, "I'm the bankrupt one"?---I don't remember him saying that.

Well that's what it says here?---I don't think he said he's bankrupt, he's never been bankrupt. No, there was another Nosir we were talking about. He went bankrupt.

20 All right. All right. Did you ever threaten to report Nosir to the authorities for illegal dumping?---I did, yes. I was, I was threatening him but I wasn't going to do it.

Well who did you – did you tell Nosir that?---No.

Did you threaten directly?---No.

30 Well who did you tell?---When I, when I met with Craig Izzard I asked him if he knew Nosir and he said no, he doesn't know him. I said "Okay". I said, "Yeah, this guy he's been taking clean fill". I was that angry with the bloke owing me money and I said "I want to threaten him to go to Penrith Council". And I said "If I have to pay Penrith Council to find out where his sites are", because I didn't know where his sites were. I said "I'll pay myself to do it. Find out what – see if anything is there and just go to Council and that". That's the only time I ever said something about Nosir. Because Nosir lied to me and because he lied to me I was angry so - - -

Did you ever have a discussion with Mr Izzard - - -?---Yes.

40 - - - that Mr Izzard - - -?---He never knew Nosir.

Did you ever have a conversation with Mr Izzard about Mr Izzard going to one of your competitors - - -?---Never.

- - - and investigating them?---Never. I actually went to, I went to the council - - -

Did you ever have a conversation with Nosir about Mr Izzard going to one of your - - -?---I could have. I'm not 100 - - -

You could have, all right?---I can't remember, I could have, (not transcribable) I could have. But I did go to the council, I did go to the EPA and they just bounce you around each other till they bring it to council and the councillor says oh no, no this is not our job.

Did you ever offer to take - - -?---To see the EPA.

10 Did you ever offer - - -?---No.

- - - Nosir any money - - -?---No.

- - - for arranging somebody - - -?---Never.

- - - to go out to one of your competitors - - -?---Never.

Do you know Andy Cannuli?---Never.

20 Do you know a friend of - - -?---I don't know him.

You haven't even listened to my question?---But I know you're talking about Andy, I don't know who he is.

Do you know if Nosir had a friend with an Italian sounding surname?---I don't remember him talking about anyone.

Do you know somebody called Andrew?---No.

30 Do you know an Andy?---No.

Do you know an Angelo?---No. I knew Frank, outside.

ASSISTANT COMMISSIONER: Sorry, who was that?---Frank, he's from the council. And I just wanted to thank you for giving me (not transcribable)

MR MACK: Just bear with me Commissioner, I'm trying to finish with this witness today and I'm just taking instructions.

40 ASSISTANT COMMISSIONER: Yes.

MR MACK: No further questions, Commissioner.

ASSISTANT COMMISSIONER: Yes. Does anyone want to ask any questions in cross-examination?

MR ROBINSON: I don't, Commissioner.

ASSISTANT COMMISSIONER: Mr Patterson?

MR PATTERSON: I have no questions, Commissioner.

ASSISTANT COMMISSIONER: Thank you. No one else? Then that's it.---Thank you.

Thanks. You're excused.---Thanks for your help.

10

THE WITNESS EXCUSED

[4.03pm]

ASSISTANT COMMISSIONER: And we'll – well, just before we adjourn – you're excused, Mr Abdul-Rahman. It's fairly obvious that we're not going to finish tomorrow. Does that create any significant problem for anyone? It doesn't for me except for the fact that I will have a – I won't be able to sit on Tuesday morning in the same way that I wasn't this week.

20 Does it create a problem for anyone else? Mr Rushton?

MR RUSHTON: It creates a problem for me and I'm not suggesting for one moment that that means anything, but at the end of this week I will have to depart but I would ask the Commission that you permit or authorise my instructing solicitor, Erin Gavin, to appear in my, my place.

ASSISTANT COMMISSIONER: Yes. Well, I authorise that.

30 MR RUSHTON: And I've asked her that if there's something that arises during the course of the week that she notify me and I'll come back down.

ASSISTANT COMMISSIONER: All right. Thank you. Is there anyone else adversely affected? Mr Mack, can you estimate when we're likely to finish, will be finish on Monday if – or will be go into Tuesday or Wednesday?

40 MR MACK: I would like to be finished before Wednesday. Half day Tuesday, full day Monday, three-quarters of a day tomorrow. I think that's a realistic time frame for Mr Izzard.

ASSISTANT COMMISSIONER: Yes. Yes. Yes, thank you. What Mr Mack is talking about tomorrow is that I will have adjourn at 3.00 tomorrow in order to have some root canal therapy done on a tooth and I'm not sure which – where I would rather be.

MR MACK: I will withhold making a comment about pulling teeth but perhaps if it's looking like we could finish an hour earlier in the morning or

in the afternoon on Tuesday, we might be able to sit late on one of those days to save us going into a further day.

ASSISTANT COMMISSIONER: Yes.

MR MACK: But we might reassess it tomorrow.

ASSISTANT COMMISSIONER: I'm quite happy to do that if that is needed to be done. So we'll adjourn until 10 o'clock tomorrow.

10

**AT 4.05PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.05PM]**