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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

Reference: Operation E15/0978

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 9 SEPTEMBER, 2016

AT 2.00PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

ASSISTANT COMMISSIONER: Yes, just take a seat. Mr Izzard you're still on the same affirmation?---Thank you, Commissioner.

<CRAIG IZZARD, on former affirmation

[2.02pm]

MR MACK: Mr Izzard before the lunch break I played you call 1-6-7-2. I'm going to ask you a couple of questions in relation to that call. Page 4,
10 Mr Bono asks you – it'll come up on the screen in a second, he said, "How did Eric get it?" "He got it from anonymous fucking phone thing. It was just a call in like through the voicemail system." That was a lie wasn't it?
---Correct.

Why did you lie to Mr Bono?---Because Eric was looking after that area so I just wanted Eric to, to you know, still be looking after it. That's the only reason.

20 Well where did you get the inquiry from?---Sorry?

Where did you – so you got the inquiry?---Correct, yes.

And it was from Mr Kabite?---Correct.

But your evidence – is your evidence still that Mr Kabite told you to go there to investigate illegal dumping?---That the place was being used as a skip bin joint, yeah.

30 And so your sole intention in going there was to investigate whether or not it had approval for a skip bin, for being a skip bin business?---To see whether it was happening.

To see whether it was happening. Nothing to do with the current tenants and when they'll be out of there?---Not that I recall, no.

And so do you recall calling Mr Kabite after you went to the place?---I could of.

40 But you wouldn't of told him any information about what you saw there would you?---Probably.

Why?---Because he's the one that rang me up about it.

Well he's making a complaint. Do you routinely share information about complaints you receive to the complainants?---Normally I'll let them know what the outcome was, yeah.

Well what about during the investigation?---Probably not.

So you accept that this was at the beginning of an investigation?---I would say this is at the end because it's being looked after by the rangers. So there was nothing further for us to do there.

So if it was being looked after by the rangers why did you go there?---We found out that when we got there that it was being looked after - - -

You didn't know before?---No.

10

So it's your usual practice not to share information about investigations with members of the public. Is that correct?---The outcome you probably would, yes.

But the details of the investigation you'd keep to yourself?---Probably, yes.

Because that's confidential information isn't it?---Well, it may have an impact on the investigation.

20

And you wouldn't want to jeopardise that investigation by sharing that information with other members of the public would you?---Possibly, yes.

So your evidence is that the owner, Mr Kolovos, wanted a tenant out. Is that your understanding of it?---After speaking with him, yes.

And because Mr Kabite had nothing to do with the tenants that were in there at that time it wouldn't have concerned Mr Kabite if Mr Kolovos wanted the tenants out. Is that correct?---I'm sorry, say again.

30

You accept that Mr Kabite had no knowledge – I withdraw that. Do you accept that Mr Kabite had no interest in the current tenants being evicted? ---Well, I don't know what interest he had, no.

Was his interest in relation to ensuring that somebody wasn't dumping illegally or operating a skip bin illegally there?---From this inquiry it would appear, yes.

That was his interest?---Mmm.

40

He had no interest in the current tenants being evicted?---Yeah, it would – from this inquiry it would appear that he wanted the tenants out.

But you didn't know that on 3 November, 2015 did you?---Probably not 100 per cent.

Did you have some idea that he might have had an interest in having the tenants removed?---Alternative motive, yes, after speaking with Nick.

After speaking with Nick?---Yeah. After his conversation and then my feeling, yeah, for sure.

But definitely not before speaking with Nick?---No, that's a part of it, before Nick as well.

Well, what gave you that impression before you spoke to Nick?---Oh, just probably the set-up there.

10 What set-up?---The set-up at the property. Skip bin business.

And because Mr Kabite was involved in the skip bin business industry and there was a skip bin business at 30 Bellfield you thought that Mr Kabite might have an interest in that?---Yeah, possible.

Possible?---Mmm.

Did you ask Mr Kabite if he had an interest in the current tenants at 30 Bellfield - - -?---No.

20

- - - before you went out there?---Not that I can recall.

The truth is you went out to 30 Bellfield, Rossmore to get information for Mr Kabite and then you channelled that information back to Mr Kabite immediately. That's correct isn't it?---I, I would disagree with that.

Well, what do you say you said to Mr Kabite after the meeting?---I can't recall what I've said after the meeting, no.

30 But it would have been in relation to illegal dumping though wouldn't it?
---It would have been in relation to the inquiries there, yes.

In relation to the skip bin business there?---Well, the inquiries that I completed, yes.

Your inquiries related to a skip bin business. Is that correct?---Correct. Correct.

40 So it would have been in relation to the skip bin business?---Well, I would think so, yes.

So it would be odd if you shared more information with him in addition to the skip bin business. That's correct isn't it?---Yeah, I'd be disappointed, yeah.

You'd be disappointed in yourself if you told him?---Correct.

You certainly wouldn't offer to tell him more information than what he needed would you?---I wouldn't think so, no.

All right. I'll play you call 1-6-8-2 from 3 November, 2015.

AUDIO RECORDING PLAYED

[2.10pm]

10 MR MACK: So at the end of the phone call there, "Yeah, empty it and take it to my place." That's a direction from you to Mr Kabite in relation to the skip bin that was found earlier on?---Correct.

So you wanted Mr Kabite to empty it and then take it to your place?---Yeah, that's what I've said, yeah.

There's no talk about money or there's not even a please there is there?
---Sorry?

20 You didn't even say please did you? "Yeah, empty it and take it to my place." It's a direction to Mr Kabite?---Oh I don't know if that's the case, but if that's what you read from it.

The first thing you say in this phone call, page 1 has absolutely nothing to do with the skip bin business. Mr Kabite asks you, "How did you go over there at Rossmore?" And the first thing you say is, "He's got to be out in 20, in two weeks." So he's got to be out in two weeks?---Yeah, that's the skip bin part.

30 What's the skip bin part?---When he's got to be out. The bloke that was in there at the current time when we went there.

He's got to be out in two weeks. What's that got to do with the operation of a skip bin facility under the POEO Act?---Well I believe that was the instructions from Frank in relation to them having to vacate the premises there at Rossmore.

Well why are you tell Mr Kabite that?---I, yeah, I don't know.

40 It's because you went out there to get information for Mr Kabite isn't it?
---My initial inquiry out there was in relation to a skip bin operation.

A skip bin operation?---Correct.

In an area where you weren't assigned?---That's why I went out with Officer Eric, yes.

And you went out there to get information for Mr Kabite. That's correct isn't it?---I can't make an opinion on that, no.

Well, you can tell the Commission whether or not you went out to 30 Bellfield, Rossmore with the intention of getting information to relay it back to Mr Kabite.---I went out there on the intention to look at some information that he'd given me. Correct.

10 And the information was that that place was tenanted and the tenants needed to be removed. That's correct isn't it?---That's correct, yes. They were ordered by Ranger Frank, yes.

Mr Kabite wanted you to go out there and get information for him didn't he?---No. I went out there because - - -

Your only interest in going out there in relation to the skip bins is to see if there's a skip bin business operating.---Correct.

20 And if there was a skip bin business operating it would then be incumbent upon you to see if it's got the appropriate approval.---That's right. There was no requirements for me to do that because it was being looked after by the rangers at Liverpool.

You already knew that didn't you - - ----No.

- - - before you went out there?---That's incorrect.

30 Well, how come Mr Kabite says oh, did you speak to Frank about it? ---Because I think he knew that I was going to speak to him. I don't know why. You'd have to ask Mr Kabite that one.

You went out there to do Mr Kabite's bidding didn't you?---No.

And as soon as you got that information you channelled it straight back to him about what was happening.---I reported to him what was happening, yes.

Anything else you need to know you said to him.---Yeah.

40 You were offering to tell him whatever he wanted to know.---I was making conversation. I don't know whether I was telling him what he wanted to know.

Anything else that you needed to know. You're offering to tell him everything you possibly know about the place at 30 Bellfield aren't you? ---No.

But you want them out of there don't you? That's what you said to him.---If that was recorded, yes.

And by that you meant Mr Kabite wanted the tenants, that's Mr Ykmour out of 30 Bellfield?---I don't know what Mr - - -

You knew that didn't you?---No.

10 But you want them out of there don't you?---No.

So what did you mean by you want them out of there don't you, why would that concern you?---I don't know. Why would it concern myself?

Yeah. What has that got to do with the operation of a skip bin business at 30 Bellfield?---I'm, I'm unable to answer that.

So you just don't know what you meant when you asked him, but you want them out of there don't you?---Yeah, I, I can't recall that.

20 No idea?---Well, I just can't recall that one.

What do you mean you can't recall it. It was just played to you.---Yeah, I can't recall that conversation when I said it and what it was in relation to.

Are you sure you can't recall, Mr Izzard?---I'm sure, yes.

You've just got no idea?---Correct.

30 You were in the courtroom when Mr Abdul-Rahman said he couldn't recall to a lot of my questions weren't you?---Correct, yes.

And Mr Abbas said he couldn't recall answers to a lot of my questions didn't he?---I think so, yes.

Well, there's a lot more material in relation to you than there is in relation to Mr Abdul-Rahman and Mr Abbas. You need to understand that.---I understand it, yes.

40 So when you say you don't recall and it appears that you might in fact actually recall you have to be very careful, understand that, when you're giving evidence?---Yes.

All right. Thank you. Do you prefer to be taken to transcript or do you want to be played calls in relation to calls that have already been played? I have to play you calls that haven't been played but if they've been played I can take you to the transcript.---Transcript is okay.

I'll take you to transcript 1-7-5-7. It's part of Exhibit 30. This is the next day. This is on 4 November. Top of page 2. "The guy, can you call me, is it all right, can you call me from the other number or", and then you say, "No, it's all good, just say so, just, just talk to the phone." Did you have another number?---I did, yes.

And you've only got two numbers. Is that right?---Correct.

10 Why would Mr Kabite suggest calling you on the other number?---I don't know.

Is it the case that you talk about drinks on one number and then try not to talk about drinks on the other number?---No.

Well what's one number for and what's the other number for?---One number was my RID number and the other number that is my Energy business number.

20 Energy business number?---And personal number.

And is your work number [REDACTED] ---Correct.

And what's your Energy business number?---It was given yesterday, it's [REDACTED]

All right. Do you have any other phones besides those two?---No.

A landline?---I have a landline, yes.

30 At home?---I do, yes.

Do you use that often?---Not very often, no.

Have you ever spoken to Nosir on that line?---No.

You sure about that?---Positive.

40 MR PATTERSON: Commissioner, could I ask that that number be redacted from the transcript?

ASSISTANT COMMISSIONER: Yes, that can be redacted from the transcript.

MR MACK: Mr Kabite says to you, "The guy is going to get the application tomorrow." Did you understand that as a reference to an application for Rossmore? This is the day after?---I probably couldn't answer – I wouldn't know, no.

You wouldn't know. Well you understand that you spoke to him - - -?---I understand - - -

- - - about three or four times the day before?---I understand that it is the next day, it may have been the case.

10 Yes. And then Mr Kabite says, "And he's going to do his part." And then you say, "Yeah." "Which is address, blah, blah, blah, his information." "Yeah." And then Mr Izzard – and then Mr Kabite was going to pick up the drink?---Correct.

And then you were, and then you were going to the rest?---That's what it says, yes.

Is that what happened?---I don't know what the – I do know what the picking up of the drink means, but I don't know what the do the rest is.

20 Do you know what, "Perfect, yeah, okay", means?---Perfect, yeah, okay. I don't know.

It sounds like an agreement doesn't it?---Unless it's a - - -

Like an acknowledgement?---Maybe it's the end of a conversation as well, but - - -

So Kabite was going to pick up the drink which is the money from Mr Beydoun?---No, I don't know what he was referring to.

30 Well let's assume that the reference to application tomorrow is in reference to the application for 30 Bellfield. And he's going to do his part, that's Mr Beydoun, which is write his address on the application. And then Mr Kabite is going to go and pick up the drink. And then you say, "Yeah." And then, "You have to do the rest." The rest was push the application through council wasn't it?---I can't push any application through council.

Well the rest was to assist with the application?---I think my, the rest was me helping him out with the application.

40 So you were going to help out with the application?---Yes. That's already been outlined here in the court.

And you knew that Mr Kabite was going to receive a drink for the application?---Well it appears that he was, yes.

And you knew that though didn't you?---I didn't know what he was going to get but it would appear - - -

You knew he was going to get a drink though didn't you?---Well I would think yes now.

What about at the time?---I probably didn't even pay too much attention to that.

At the time did you know that Mr Kabite was getting a drink in relation to the application at 30 Belfield?---No.

10 You sure about that?---100 percent.

So when he says, "I'll pick it up off him" was the drink, it didn't register with you that Mr Kabite was going to go and get some money from Mr Beydoun?---Well whenever we made – he made conversation about a drink it was always in relation to me getting from the units that I - - -

That's not true is it Mr Izzard?---That is true, yes.

20 So Mr Kabite was going to go and pick up some money in relation to your refrigeration units from Mr Beydoun. Is that correct?---No. Mr Kabite would appear that he's going to pick up a drink and I would get some money from the units.

So you're talking about an application and then somebody putting an address on an application and then the conversations shifts all of a sudden to then I'll pick it up off him, that is he'll pick up some money and then you'll get the money for the units. Is that right?---No, that was, that's what we knew was – if he mentioned a drink I was going to get my units paid for.

30 And every time he mentions drink that's what he's referring to is it?---Yes, to me he is.

So in this instance is he referring to getting money in relation to your units? ---Well, I would hope so, yes.

So he's – Mr Kabite is going to go and pick up the application and then get some money for your units and give you some money for the units. Is that how you understand that conversation?---Correct.

40 Did Mr Beydoun buy a unit?---I wouldn't know, no.

You wouldn't know or no?---No, I don't know, no.

I'll take you to – play you another call now from 5 November. It's call 1-8-0-5.

AUDIO RECORDING PLAYED

[2.28pm]

MR MACK: Is that a reference to the application for 30 Bellfield?---I would say so, yes.

And you wanted to know what happened to it the following day didn't you?
---Correct.

10 And that's just because you wanted to make sure that it got submitted on time or correctly. Is that correct?---Oh, that it got filled out, yeah.

That it got filled out correctly?---Yeah.

And you wanted to make sure it got filled out correctly because that's just the kind of guy you are. Is that right?---No, I don't know about that but I wanted to make sure it got filled out okay and whether Nosir had any money for my units.

20 You didn't – there's no mention of a drink there.---I know that.

So you just wanted to make sure that Nosir had your money for the units. Is that - - -?---Well, was trying to get it, yeah.

Trying to get it. You know that some of your units were sold to the Marconi Club don't you?---I do, yes.

How many were sold there?---I think we installed 15.

30 Who's we?---Me and the installer.

Was Mr Kabite involved in that transaction?---No.

Was Mr Cannuli involved in that transaction?---Mr Cannuli come on board for the install to see how the application works, yes.

How many of these units in total did you – well I presume they're imported, are they imported?---They certainly are.

40 How many have you imported?---Around about 40, I'd say 40 to 60.

40 to 60 units. And Mr Kabite has got how many?---He's only got three.

But he's had five in total?---He hasn't had five in total I can assure you.

He's only ever had three. Is that your evidence?---That's correct.

And he says he still has three?---Well that's what he's saying.

I'll play you a call from 6 November, 1-8-3-4.

AUDIO RECORDING PLAYED

[2.31pm]

MR MACK: You used to catch up with Mr Kabite quite often at the Riverstone café didn't you?---Oh probably twice or three times, probably.

10 In total?---Yeah, probably in total, yes.

Did you understand this development application which this conversation relates to was that – was it your understanding that when Mr Kabite says, “We will do the rest”, that's a reference to both of you doing the rest. Is that correct?---I think that's just the way he talks I would say.

You had nothing to do with the development application?---For Bandon Road?

20 No, this is Belfield?---No, I think I helped him out.

You helped who out though?---Nosir.

Do you know who Nosir was helping out?---I'm just trying to think on the application, initially I didn't, no, not until the application.

So you understand that Nosir didn't want a development application for 30 Bellfield don't you?---Correct.

30 So there was somebody else that wanted it?---Correct.

So you weren't really helping Nosir. You were helping somebody that Nosir was helping. That's correct isn't it?---That's correct, yes.

And you knew that?---Yes. That he knew them, yes.

So you're effectively doing a favour for a friend of a friend. That's correct isn't it?---Yes.

40 And you just did that because you're a nice guy, out of the goodness of your heart?---Some people might say that, others might not.

What would others might say?---I don't know. You'll have to ask the others.

All right. In relation to the units do you know what consignment means?
---Yes, the order.

Well, do you know – if goods are on consignment do you know what that means?---No.

It means you don't have to pay for them until they're sold.---Oh, I, I may have heard that term.

You don't know – haven't heard it in that – all right. Mr Kabite didn't pay for the units up front did he?---Correct.

10 But he was meant to sell them - - -?---He - - -

- - - on your behalf?---Well, he indicated that he would have, yes.

And earlier in that phone conversation there's a reference to a notification up at Bandon Road.---Correct.

But that's not in relation to Mr Kabite's place at Bellfield Road is it, it's somewhere else on Bandon Road?---In Bellfield did you say? In Bandon Road?

20

In Bandon Road up the top. "I'm going all right. I got a notification up at Bandon Road."---I think the notification – as I said I'm just guessing but I think the notification was just Bandon Road because it was certainly a - - -

All right. Well, look at your next comment, but it's down the end. It's just there. Might be dumped some stuff down there.---Oh, yeah, right. Yeah, I've got that.

30 And they said that there were some trucks and truck movements.---Correct, yes.

So reading that does that make you think that it wasn't in relation to Mr Kabite's operation at Bandon Road, it was somewhere on Bandon Road but not at the Bandon Road yard so to speak?---That's what that conversation would suggest, yes.

And would you routinely tell – share information like that with – throughout the neighbourhood?---What do you mean?

40 Well, you're telling Mr – you're telling Mr Kabite about an investigation that doesn't concern him.---About a notification that waste has been dumped up there, yes, correct.

It doesn't – it has nothing to do with him.---This one would – yes, that's correct, yes.

All right. Do you recall hearing the calls played between you and the owner of 30 Bellfield? That's Nick.---Nick. Yes, I do.

Yes, and there was two calls.---I do, yes.

And you rang Mr Kabite after receiving one of those calls?---Correct.

Do you recall hearing that call of you to Mr Kabite?---Sorry?

Do you recall hearing the call between yourself and Mr Kabite, you were quite upset?---I think so, yes.

10

But you weren't trying to do anything illegal at, at the council were you?
---At which council?

Liverpool Council in relation to 30 Bellfield?---No. That's correct.

So it wouldn't have mattered if somebody called you in relation to it would it, you had no reason to be upset?---I think I was upset because they rang me and the matter was being looked after by Frank. That's the reason.

20

Not the development application it wasn't.---Yeah, but the, the location of the site, that's what I was referring to.

Why didn't you – why were you so upset. You seemed fairly sensitive to it, Mr Izzard. That's – were you sensitive about it?---Oh, I don't think I was sensitive, no.

I'll play you a call. This is a call after the first conversation on 9 November. It's call, it's call 1-9-0-1.

30

AUDIO RECORDING PLAYED

[2.40pm]

MR MACK: The last part of that conversation is Mr Kabite reporting some waste dumping near Reuben's place isn't it?---That's what he's saying, yes.

And he wants you to exercise influence over Anna doesn't he?---I don't know about that.

40

Well he's asking you to call Anna?---Yeah, to see if she knew any information about it. He mentions a little bit further up the top.

Mr Kabite's worried that someone's out to hurt him so he gives you a call to see if you can do something about it?---That would appear the case of this conversation, yes.

So why did you tell Mr Kolovos that you had nothing to do with the development application?---Because I didn't at Belfield.

Well you were going to help fill it out?---Oh yeah, yeah, I don't know why.
No I can't give - - -

And there's no reason for you to just not say, hello Mr Kolovos, yeah, I'm assisting - - -?---Correct.

- - - Mr Kabite in filling out the DA?---That's correct, yes.

10 So you were just lying to Mr Kolovos when you know you said words to the effect of, "Mate, I don't know what you're talking about. I don't know what you're talking about." Because you did know what he was talking about?
---Well I'd have to remember the conversation with Mr Kolovos - - -

I can take you to the conversation?--- - - - with Mr Kolovos.

All right?---But yeah, I did know, I would have known what I was talking about, yes.

20 You would have known but you just didn't want to talk about it with Mr Kolovos?---Correct.

Is that because what you were doing wasn't above board?---No, that's incorrect.

Well if you knew that you were helping a friend of a friend, you accepted that before?---Correct.

30 What I'm putting to you is that the friend of a friend was Mr Kolovos?
---No, I think it was Mr Beydoun wasn't it?

Well the owner of the place is Mr Kolovos?---Yes, that's right.

And that's what the development application related to his place?---Correct.

So it had to be in his name?---That's right, yes.

40 So why didn't your generosity extend to Mr Kolovos?---I'm unable to answer that.

I'll take you to call 3-5-5-9. And it's part of Exhibit 30.

AUDIO RECORDING PLAYED

[2.47pm]

MR MACK: This has been played before Mr Izzard?---Correct.

I just want to show you that?---Yeah, correct.

We don't need to hear it again?---Yeah.

10 But is this an example of the assistance that you have provided and this is at page 3? And Mr Kabite says, "Well they looked at the application and they said they're not going to approve it." Then he said, "Oh he rang and he called me back?" And I said, "No you have to lodge it." And then you say, "Well I don't – what I'm saying is I don't know how the people at the counter can make a decision whether they're going to approve it or not. That just based on what they're doing they've got to do their searches for it. The council's requirement to do searches for it." That's the kind of knowledge that you would assist with. You know knowledge of the process at council?---Yeah, just that there'd be an expectation that someone lodges it and then it goes to be reviewed by someone.

Or they do searches and then they search for what - - -?---History and - - -

20 - - - the area was zoned for and - - -?---That's what I would suggest, yes.

And then over the page at page 4, Mr Kabite is telling you that he's having a bit of trouble lodging the application and then he expresses the view that by law they can't say no to the application. Do you see where I am on the transcript?---Is it where the cursor is?

30 Nearly, yes. And you say, "Yeah, well that's a different story. It's not your fault that he went and lodged it and he spent all that money to lodge the application because that's something he wanted to do anyway. It's not your fault." How much money did he spend on lodging the application?---I don't know, I think it's reference to the surveyors and what they had done. I think that's, that's what that means.

40 Then Mr Kabite says, "Yeah, but" – you say, "Yeah, but", and then said, you said, "But we, we told them we might be able to help them yeah." And then you say, "As I said we're governed, we're governed by the council, what they do so we just have to see what they – how they play it out because they can't see" – so that's an example of you saying that you can't help any, any further than lodging the application at the council. Is that right?---That would be the case, yes.

And then Mr Kabite says, "Oh, what do I do now?" And then you say, "Well, I suppose you can't get any drink off them because you know what happens if they knock it back, the drink's got to go back".---Correct.

Is that a reference to one of your units?---Me getting my units, yeah, but – that's correct.

“Suppose you can’t get any drink off them because you know what happens if they knock it back, the drink’s got to go back”.---Correct.

Is that in relation to one of – is that in relation to one of your units having to go back to Mr Beydoun?---No. He hasn’t bought any units.

Mr Beydoun hasn’t bought any units?---I don’t think so, no.

10 So the money in relation to the units has to go back to Mr Beydoun. It just doesn’t make any sense does it, Mr Izzard?---That’s - - -

It’s clearly a reference to a drink that he’s got from Mr Beydoun and you know about it.---No, that’s not - - -

You’ve got protection, Mr Izzard.---I beg your pardon?

20 It’s quite clear, it’s quite clear what you’re saying here. It’s got nothing to do with the units at all.---My – I, I was of the understanding that Nosir would, Mr Kabite would pay me back when he gets money so - - -

That’s got nothing to do with the people that are filling out this application though does it?---Correct.

The whole conversation is about the application.---That’s right, yes.

30 And you think that this halfway point in this conversation that you’re referring to something to do with your refrigeration units. Is that correct? ---No, I’m making reference that once Mr Kabite gets, gets paid then I get my units paid.

It says you can’t get any drink off them.---Correct.

So he can’t get any drink off them?---That’s right, yes.

He can’t accept any money from the people who wanted the application filled out?---That’s what it would appear, yes.

40 And so he’s got to return the money to the people that paid him for filling out the application?---If that’s the case, yes.

All right. So you knew that Mr Kabite was getting paid for the assistance he was giving in relation to the application?---No, I didn’t.

And down the bottom of the page you say, “Yeah, just see if it – just be mindful about taking a drink, you know, especially where – yeah, yeah, we have to make the decision before we take a drink”. That’s you and him so you both know by 21 December, 2015 that somebody is paying money for

assistance with the application don't you?---No, that's incorrect. I was not aware that Mr Kabite was getting paid or asked to get paid off Mr - - -

So when you said, "Yeah, that's right, yeah, yeah, for sure", was that you agreeing to you not being able to sell units or what, Mr Izzard?---Me not being able to get paid.

You not being able to get paid for your refrigeration units?---Correct.

10 That's just not true is it?---That is certainly true, Mr Mack.

Do you know anyone in council called Tony?---Male or female?

Anthony?---Which council?

Do you know anybody in any council called Tony?---Oh, not that I know of.

Liverpool Council?---No, not that I know of.

20 Anyone called Anthony?---No, not that I know of.

Do you know anybody in Liverpool Council who would be able to push an application for you?---No.

I'll play you call 3-7-4-6 from 23 December

AUDIO RECORDING PLAYED

[2.55pm]

30

MR MACK: So you're talking to somebody in Liverpool City Council about the application?---No.

Right. So you just made all that up to Mr Kabite?---No. Mr Kabite told me he was talking to Tony or Anthony. That they, that they went and seen Tony or Anthony.

Well - - -?---I haven't spoken to anyone about the application.

40

All right. Well at page 1, "So I said well I just said to him, well what do you mean the issues and he said well it's been identified a site and they've already had", et cetera, et cetera. You've been talking to somebody about it haven't you? Or you're making this up to Mr Kabite?---I'll just get to page 1.

At the start we'll go back up to the start, it says, "Well I just had a phone call back from him." "He says the number is recorded but it's got a notation

that the chap didn't submit it", and so on. So you're getting information from somebody within council about this application aren't you?---No.

So you're making this up to Mr Kabite?---Correct.

All right. Commissioner, I note the time?---At that, at that time – can I just (not transcribable) the date, thanks.

10 It's on 23 December, 2015?---That, at that stage Mr Kabite had terrorised me on the phone.

Terrorised you on the phone. But you're just making that up to Mr Kabite about knowing all of that inside information about the application?---That top bit, yes.

Yes. All right. Thank you.

20 ASSISTANT COMMISSIONER: Did you say he was terrorising you on the phone?---Yeah, ringing me all the time, all the time.

Okay. We'll have to adjourn now. So we'll resume on Monday morning at 10.00.

THE WITNESS STOOD DOWN **[3.02pm]**

AT 3.02pm THE MATTER WAS ADJOURNED ACCORDINGLY
[3.02pm]