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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

Reference: Operation E15/0978

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 12 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, take a seat there, Mr Izzard.

MR MACK: Commissioner, two items of housekeeping which might be worth raising at this point in time. The first is I've just had a discussion with Mr Patterson in relation to calling – recalling Mr Kabite. Mr Patterson has indicated that he does not require Mr Kabite to be recalled and given that my application is that Mr Kabite formally be excused.

ASSISTANT COMMISSIONER: And I'll excuse Mr Kabite then.

10

<THE WITNESS EXCUSED

[2:02pm]

MR MACK: Which leaves us with the question of how much longer this inquiry will need to go for. I anticipate I'll be somewhere between two and half to three and a half hours with Mr Izzard. And then there needs to be an opportunity for people to ask questions of Mr Izzard. My application is that today we sit longer until about 4.30 just in case we need that time tomorrow with a view to wrapping everything up tomorrow afternoon.

20

ASSISTANT COMMISSIONER: Does anyone have a problem with that? We sit till 4.30.

MR PATTERSON: Commissioner, I don't have a problem. I should indicate I anticipate I'll be about half an hour with Mr Izzard.

ASSISTANT COMMISSIONER: Okay. Thank you very much Mr Patterson. Mr Dunne, Mr Fraser any problems? No. The other thing I should indicate of course is that if anyone wants to call any evidence in the inquiry then you're perfectly free to do so. But you might just let us know if anybody intends to – I see Mr Dunne you're shaking your head. Anyone else? Everybody is shaking their heads. Mr Fraser?

30

MR FRASER: At this stage, no.

ASSISTANT COMMISSIONER: So it sounds as though no one wants to call any evidence. But if you change your mind do let us know. Yes, Mr Mack.

40

MR MACK: And the final item of housekeeping is in relation to an extra volume of material that goes to the corruption prevention part of the investigation.

ASSISTANT COMMISSIONER: Yes.

MR MACK: The extra volume will be made available on the internal website tonight for people to review and I'll formally tender it tomorrow.

And if anybody has any issues with it if they could raise it with me tomorrow.

ASSISTANT COMMISSIONER: Yes, certainly. Okay. Thank you. And you're still on the same affirmation to tell the truth, Mr Izzard?---Thank you, Commissioner.

<CRAIG IZZARD, on former affirmation

[2:01pm]

10

MR MACK: Mr Izzard, before the break I was taking you to parts of phone call 7-9-7. And I want to stay with this phone call just a little bit longer. At page 3, at the bottom of page 3, Mr Kabite asks you, "Do we know any specific person there?" This is in relation to Blacktown Council. And your reply is, "No, no, I don't know anyone. I only know the bloke that deals in the, in the waster, that gives me jobs you know." Is that a reference to Mr Radovic?---That's correct.

20 And over the page at page 4 Mr Kabite says, "Are we going to get help from somewhere there?" And you say, "Yeah. No, no, I'll sort that out, I'll sort that out. What did you mean by that?---I'm unable to get any help from anyone so I don't really know what I'm saying there.

And over the page at page 5 at the bottom Mr Kabite asks you, "You reckon it's going to be a problem this one." And then you say, "No, it shouldn't be. Well, it shouldn't be a problem if you do everything right, mate. You go and put your DA in and if you do everything right, mate." So that's another example of you telling Mr Kabite to get his DA in. That's correct isn't it?
30 ---That's correct, yes.

On page 6 Mr Kabite says to you, "Yeah, so that's why we need to get it done quick because I'm going to, going to start dumping tomorrow because need to be level. That place it's up and down, you know what I mean. Yeah." Mr Kabite says, "Whatever. Maybe a couple of thousand loads." And your response is, "Yeah, no worries. All right".---Correct. I can see that.

40 You have no problems with Mr Kabite taking in a couple of thousands of loads into the Bandon Road yard?---That's what it would imply there, yes, for sure but - - -

And you knew that anything over 200 metric tonnes was the jurisdiction of the EPA?---I did find that out, yes.

You didn't know that at the time?---Oh, not really. I probably never thought of it, Mr Mack.

But you had no problem with Mr Kabite telling you that he was about to start bringing in a couple of thousands of loads into Bandon Road?---Nosir's reply to a lot of questions, if you cut the story in half and then in half again it's probably close to the truth.

All right. Well, 1,000, that gets us to 500. 500 loads in the Bandon Road yard, did you think that was acceptable?---Well, like I said that phrase that I just made I don't know whether we literally cut it in half and then half again but what he tells is sometimes not the truth.

10

He didn't have approval to bring in one load of soil let alone 2,000 did he? ---Without a DA that would be right, yes.

And this is a person who has transported – who had pleaded guilty to transporting over 200 metric tonne of soil into Reuben's place four months prior to this conversation and here he is saying he's going to be bring in a couple of thousand loads to Bandon Road yard and your reaction is, "Yeah, no worries. All right".---And as I said at that time I thought he was just bringing it in to level up to get his site in preparation for his business.

20

You knew at that – you didn't know at that time that he'd had a conversation with Mr McVay did you?---No, that'd be right. That's correct.

You had that conversation with Mr McVay in December.---That's right. That's correct.

And so at this time there was no approval to bring in any fill into Bandon Road yard?---It would appear that way, yes.

30 Can you recall the first time you visited the Bandon Road yard?---No, I couldn't recall the first time I visited, no.

I'm going to play you a telephone conversation and it's from 9 October, 2015. It's call 8-5-3.

AUDIO RECORDING PLAYED

[2.10pm]

40 MR MACK: If you're needing directions to the Bandon Road yard, is it fair to infer that that was the first that you visited the Bandon Road yard?---That could be right.

So this is 9 October, 9 October, 2015. Can you recall seeing any activity at the Bandon Road yard on your first visit there?---No, I wouldn't be able to answer that question.

Can you recall seeing trucks or excavators at the Bandon Road yard when you first visited?---I wouldn't know. I'd be making it up.

It should have concerned you if you saw trucks tipping at the Bandon Road yard at that time shouldn't it?---Like I said I don't know – I wouldn't be able to answer it. But that would, yes.

10 But hypothetically if there weren't trucks at the Bandon Road yard and mounds of soil and excavators you would be concerned wouldn't you?---I would inquire as to what was going on for sure, yes.

Because there was no approval to fill the site was there in October that you knew of?---That I knew of, no.

And there was no approval for a transfer station in October 2015 was there? ---I think DA was being made, yes, that's correct.

It hadn't been approved had it?---Correct.

20 I'll show you some surveillance footage from 9 October, 2015. It goes for about three minutes.

ASSISTANT COMMISSIONER: Sorry Mr Mack, what date did you say it was?

MR MACK: This is 9 October, 2015.

30 **SURVEILLANCE FOOTAGE PLAYED** **[2.12pm]**

MR MACK: Mr Izzard, that's you with the thumbs up in that video isn't it?---Correct.

And that's your blue utility vehicle?---It's the council blue utility vehicle, yes.

40 And it's clear from that footage that there's significant activity at Bandon Road yard isn't it?---That would appear so, yes.

And you knew that there was no approval for a transfer station at that stage didn't you?---That'd be right, yes.

And you knew that there was no approval for filling that site at that stage didn't you?---That's correct, yes.

Did you issue a penalty notice to Mr Kabite?---No, I did not.

You accept that what they were doing was against the law?---What I accepted was that they were using fill in there to get the site ready for his business. That's what I was of the opinion.

But they didn't have approval to get fill in there did they, Mr Izzard?---No, they didn't.

10 And you knew that didn't you?---I knew they didn't have approval, yes, but again I've indicated I believed that they were able to fill their site until clean fill in preparation for their business.

But they didn't have approval to bring in clean fill, Mr Izzard.---Correct.

In the same way that Mr Kabite and Mr Cannuli didn't have approval to bring in clean fill into Reuben's place and your reaction to Reuben's place was to assist with the development application. You accept that?---That is correct, yes.

20 And the development application mentioned clean fill?---Correct.

Is there any reason why you didn't issue a penalty notice or breach Mr Kabite?---I'm unable to answer that, Mr Mack.

Did you have any visibility on the Blacktown – sorry. Commissioner, before I ask that question, I tender that surveillance footage.

ASSISTANT COMMISSIONER: Exhibit 33.

30 **#EXHIBIT S33 - SURVEILLANCE FOOTAGE OF MR IZZARD AT BANDON ROAD SITE ON 9 OCTOBER 2015**

MR MACK: Did you have any visibility on the Blacktown Council development application system – to put that another way, could you see whether something had been registered on the Blacktown Council computer system in relation to development applications?---No.

40 I'll take you to call 9-3-9. It's part of Exhibit 30. This is from 12 October. Just scroll down. There's a couple of how are you going and then it says, "I don't know what happened, mate. There's nothing at the moment. I'm just waiting for a bloke to ring me back so he, he's just chasing up some inquiries but there's nothing at the moment. There's nothing on our system." And then Mr Kabite asks, "Okay then, shall we start?" And you said, "Yeah, yeah, 100 per cent." When you say there's nothing on our system, is that a reference to there being nothing on the Blacktown City Council system?---I think it's more in relation to our system, our, our council referral system.

The RID system?---Yeah, the RID system.

So you're saying there's nothing registering on the RID system in relation to
- - -?---Bandon.

So Mr Kabite was inquiring about whether or not you'd received any
complaints about Bandon Road?---I think that might have been the case,
yes. I'm – again I'd be guessing.

10

And because there was nothing on there you said that Mr Kabite can start?
---That's what it would appear that I said, yes.

And by start you're sanctioning Mr Kabite bringing in clean fill to the site.
Is that correct?---To level the site. Yes, that's correct.

To level the site?---Yeah.

So with fill whether it be clean or dirty?---I was of the impression it was
going to be clean, but yes, you're right.

20

When you you're waiting for a bloke to ring you back, you're not in fact
waiting for a bloke to ring you back are you?---Correct.

I'll take you to phone call 9-7-7 also a part of Exhibit 30. Do you recall this
conversation being played to Mr Kabite?---I do remember it, yes. Could
you just go – can you show me the date of them things?

This is 13 October and again when you say at about three quarters of the
way down, “No, yeah, keep going, you're right, keep going. Yeah, no it's
all good here. How are you travelling anyway? You're going all right?
You're getting there.” Is that another example of you sanctioning Mr
Kabite's bringing fill on to the Bandon Road yard?---Him levelling the site
off, yes, that's correct.

30

And over the page at page 2 just below the halfway point it says that Mr
Kabite is going to lodge the DA tomorrow. So at this stage on 13 October
he hasn't even lodged the DA in relation to Bandon Road yard. Do you
accept that?---I do accept that now, yes.

40

When you - - -?---I was, I was of the opinion he originally lodged it when he
first started on site there, so, I can see it now he's saying that he's going to
lodge it tomorrow.

Over the page at page 3 you might recall me asking Mr Kabite questions in
relation to this exchange. You ask, “How did your phone thing go? Any
good?” And Mr Kabite says, “Yeah, yeah, no problem, no problem. Your
drink ready any time, Craig.” And then you say, “No, how many, how did

your phone man go?” I put it to Mr Kabite that your reply was contrasting between an iPhone and a drink. And I think Mr Kabite’s reply was, “The drink was actually in relation to the iPhone.” Is that how you understood it, the drink was the iPhone?---Yeah, I understood it as that, yes.

So this is an example of you and Mr Kabite referring to a drink that’s unrelated to refrigeration units. Is that correct?---That’s correct, yes.

10 I’ll take you to call 1-0-8-5 also part of Exhibit 30. At the bottom of this exchange Mr Kabite says, “We need to fill out the application.” And then you say, “Oh yeah, yeah, righto. Everything else is good.” Over the page at page 2, Mr Kabite then says, “Yeah, yeah, everything good. I pick up, I pick up two of them which we’re going to pick up which one we go to.” And then you say, “Yeah, righto. All good. And can we get a drink, hey, today?” Is that drink a reference refrigeration units?---It certainly is. And I don’t know what the reference is we’re going to pick up which one, I don’t know what that means.

20 It doesn’t make sense though if you read refrigeration units into pick up does it?---I beg your pardon?

It’s not a reference to picking up a refrigeration unit is it, Mr Kabite’s comment about pick up two of them?---I don’t think so.

So this is another example of where you say Mr Kabite is referring to – or you referring to money Mr Kabite owes you for a refrigeration unit. Is that correct?---That’s correct, yes.

30 I’ll take you to call 1-2-0-6 which was played last Friday but not tendered. At the first page there where you say, “I’ve been tied up with the EPA, mate. Now listen, I spoke to a bloke this morning at Blacktown. He reckons there’s not going to be any issues but he might be able to help me with the other bloke so he’s going to ringing me after 4 o’clock today.” Is that in relation to the development application for the Bandon Road yard, can you recall?---No, I can’t recall.

40 All right. And you recall questions both from the Commissioner and myself before lunch in relation to the use of the word we and we are and you say that’s just a matter of language. Well, I want to refer you to call 1-3-8-4 where you use the word us. Call 1-3-8-4 is part of Exhibit 30. I think it’s at page 2 of this call. See where the mouse cursor is?---Yes.

“I wanted to make sure Blacktown was right because that’s important for us”. So you were – you did have common interests in relation to Blacktown and Bandon Road didn’t you?---No, I had no common interest in Bandon Road.

Why is it important for you and Mr Izzard?---I think, I think this reference was in relation to we'd only 12 months on the track got Blacktown on board. I think it was in relation to making sure we get Blacktown right. Again if it is reference to Bandon Road it's just a use of terminology I think.

I don't follow that answer, Mr Izzard. Can you put it perhaps another way?
---Um - - -

10 What was – why was it important to you and Mr Kabite?---Well, I think that's just the terminology I've used. It wasn't important to Mr Kabite. I think I'm making reference to Blacktown to make sure that we get Blacktown right in relation to RID and our operations. That's the only thing I can work out of that.

Well what do you make of, "All right so we're still right there?" ---That he'll, again I'm trying to remember conversations that happened some months ago, so I think it's just in relation to the levelling site in preparation to get his bin business going.

20 All right. I'll take you call 1-5-4-8 part of Exhibit 32. Down the bottom Mr Kabite indicates that he's been keeping quiet and done maybe 10, 15 loads. Do you think that needs halving and halving again or is that Mr Kabite being accurate in relation to the amount of loads he's put into Bandon Road that day?---It might be the case, but it's something Mr Kabite might be able to answer.

30 Over the page you say, "I got a phone call from the bloke from council to say to have a look at the increased trucks in Bandon Road." Is that a call from Mr Radovic?---I think it was actually, yes.

And then you say to Kabite, "He sent it to me. I pretended that I've gone out there and told him I've had a look at it." Why did you pretend?---I just said that to him. I'd actually gone out there and had a look.

You had been out and had a look?---I did, I did go and have a look, yes. I think it wasn't until about a couple of days later by the time I got there.

40 So at the time of this phone call on 29 October you hadn't had a look?
---Correct.

But you told Mr Radovic from Blacktown City Council that you had had a look?---I think I actually told him that I was going out there. I don't know whether I told him that I'd, I'd gone out there. I told him that I was going to get out there in the next couple of days.

But you were covering for Mr Kabite's filling of that site weren't you?
---No.

You knew there was no approval in place to bring in fill didn't you?---I knew that he'd made an application, yes.

He made an application for a transfer station Mr Izzard?---And he was able to level the site in preparation for the transport. That was my thoughts on it.

But there was never any document that said he could level the site for transport was there?---Not that I know of, no.

10 And there was a phone call, there was a phone conversation between Mr McVay and Mr Kabite in December in relation to a dam and filling because waster was damming. That's correct isn't it?---I believe so, yes.

So at this time on 29 October you knew that there was no approval to bring in fill into the place didn't you?---I knew that he made application, yes, that's correct.

But that application hadn't been approved had it?---That's correct.

20 And you knew that?---I did, yes.

And so instead of enforcing the law you pretended to enforce the law didn't you?---No, that's not correct.

Instead of investigating you pretended to investigate didn't you?---I would say that's not correct, no.

In your own words, you've pretended you've gone out there?---Yeah, but I went out in the next couple of days.

30 It doesn't matter what you did in the next couple of days it's what you're telling Mr Kabite on 29 October, 2015?---Correct.

And you're telling him that you pretended to investigate a matter aren't you?---That's the language, yes.

And you accept that it's not your job to pretend to investigate matters it's your job to actually investigate matters?---Which I do, yes, correct.

40 Page 5 of that conversation - - -

ASSISTANT COMMISSIONER: Just before you go on, what's the rest of that conversation, "Mate, there's not much going on. There's a couple, there's a, you know, a business at setting up." Is that what you said to the person at Penrith Council?---Penrith Council knew about the other businesses, yes. They knew that it's there. Aleks knew that there was a site that was being cleared up the top and also one down off Garfield Road in the same precinct.

But are they the ones you're talking about or are you talking about this Bandon Road site?---No. I'm talking about two up at Bandon Road, one above this site, Kabite's site. There's two in Bandon Road.

MR MACK: And the Commissioner made reference to Penrith Council there. Did Penrith Council have anything to do with this or is it Blacktown Council?---Sorry, I didn't – did he make reference to Penrith?

10 Yes.---I didn't hear the contents of that. Sorry, Commissioner.

ASSISTANT COMMISSIONER: Blacktown was it?---Blacktown, yes.

All right.

MR MACK: So the business that was setting up that's not Mr Kabite's business is it?---That's correct.

20 Somebody else's business?---Correct.

And you were hoping – so did you in fact tell Mr Radovic that only two days later?---Sorry?

You're saying that this conversation didn't take place on 29 October, 2015 with Mr Radovic but you have that conversation with him later, is that correct, or you didn't have - - -?---I, I went out there about two days later I think it was.

30 And is that what you told Mr Radovic, that there's someone out there and they're setting up a business?---Well, this conversation – I can't remember exactly when it was in relation to Radovic but it was in relation to both sides of Bandon Road.

Page 5 there's mention of a massage. Did you ever intend to go out for a massage with Mr Kabite?---No.

What did you mean by go out for a massage or something?---It was just me at the moment saying that rubbish talk.

40 Do you recall seeing Mr Cooper out at Bandon Road?---I do. On two occasions I believe.

Two occasions at the same location?---No, different locations.

Do you accept that the first time you saw him was in February, 2015 – 2016?---If that's what he's saying, yes.

Have you seen the photos he took?---I have, yes.

And you accept that there's an excavator or two excavators operating at the Bandon Road yard in those photos? I can take you to the photos.---That would be good, thank you.

Volume 11, starting at page 141. Sorry, I might have that wrong. 14.
Volume 14. That's a picture that Mr Cooper says he took of the Bandon Road yard. Do you accept that that is the Bandon Road yard?
---Yes.

10

I'll take you to the other photos. And this is the photo on page 140. You see that there's a truck there?---Yes.

And an excavator?---Correct.

There seems to be two trucks there. And one's uncovered.---Correct.

One has concrete in it. Can you recall that?---I think so, yes.

20 Did you – and concrete, on your definition, isn't clean fill, is it?---No.

Did you issue a breach notice to Mr Kabite in relation to having concrete tipped on his site?---When I went down there, that wasn't tipped. The truck wasn't emptied.

So you didn't see the truck empty the material?---No.

30 But if you had have seen the truck empty the material, you would have issued a penalty notice to Mr Kabite? Is that your evidence?---I sure would have. And for the waste to be removed.

This is February 2016. At this time did you think that Mr Kabite had approval to fill his site?---I think at this stage it was an agreement between McVay and Mr Kabite in relation to the levelling off and bringing in fill to this site. Again, there was no documentation in relation to it.

40 But there's a possibility that that truck with concrete tipped at the site, isn't there? It's obvious they came in with concrete. Didn't get the concrete from there, did it?---No, no, for sure. Um, is there a possibility, of course there is.

Did you chat to Mr Kabite about there being a truckload of concrete on his property?---I did. And it was told to be removed.

Did you log that anywhere?---I think I took some photographs in relation to it.

ASSISTANT COMMISSIONER: I'm sorry. What did you say you said to Mr Kabite about it and what he said to you about it?---To have it removed. I instructed him to have it removed. And I'm sure after I spoke to Mr Cooper then I went down there and took some photographs.

MR MACK: Did you ask Mr Kabite what it was doing there?---Only that he told me that it had come on site. And then said, I wasn't there that long, and asked him to remove it.

10 It's not in a skip bin, though, is it?---No.

Did you think that there might be other material that was getting tipped there that's not clean fill?---Well, on the site itself there was no evidence of any, say, dirty fill. But there's a possibility. I don't know.

Did you inform the EPA that there was significant amounts of fill being transported onto the Bandon Road yard?---No.

No?---No.

20

ASSISTANT COMMISSIONER: Mr Cooper seemed to – he immediately said that there was something wrong there and he had a reaction to it. What did he see?---I think he seen the truck, the same thing. Indicated to me that he seen the truck and the levelling. He indicated that that was one of the first ones he seen but he just was a bit suspicious about it. Hence me went from there down to where he was.

MR MACK: So were you suspicious about it?---With it being on site yes, that's why I told them to remove it.

30

Were you suspicious that Mr Kabite might be bringing in dirty loads into the Bandon Road yard?---There certainly was no evidence that would suggest that.

Well Mr Kabite had been convicted and pleaded guilty to transporting waste to Reuben's place, over 200 metric tonne. You knew he'd been transporting significant amounts of fill, you didn't suspect that there might be dirty fill in there?---There was no evidence that would suggest that at that stage.

40 ASSISTANT COMMISSIONER: Did you inspect the site?---I initially yeah, just to have a look, walk around whenever I was on site. But there was no, there was no signs of any, let's keep with the dirty fill, there was no signs of dirty fill. I remember when they first put their driveway in and it was crushed rock in relation to it and I had a question about that but it was okay because it was used to exit dirt or something from the vehicles.

MR MACK: But you know now that EPA has tested the site and it's found multiple instances of asbestos?---I do know, yes.

Are you disappointed in yourself for not picking up on that?---In hindsight that site was probably not managed correctly from the start, yes.

So there was a failing of competence on your behalf?---I don't know if I'd say that, but there was you know, at the time I just don't think it was , I managed it properly.

10 Do you accept that maybe you didn't manage Reuben's place property as well?---I had no involvement in Mr Matthews' property, only to do the DA. There was people there prior to me being there in 2012 were interviewed and found asbestos there and that was not followed up, so - - -

Are you concerned that Mr Kabite might get kicked out of Bandon Road? ---I think, I think the phone calls that I've heard during this inquiry would indicate that yes, it appeared that I would.

You were concerned?---The phone call would indicate that I - - -

20 Were you concerned?---Not really. If he got kicked out he got kicked out.

It didn't concern you at all?---You know again I didn't have no interest in it so it wouldn't concern me if he got kicked out.

Can you recall ringing Ms Bartlett?---I do recall speaking to Ms Bartlett and Mr McVay in relation to - - -

30 Can you recall trying to convince them not to kick out Mr Kabite?---I think I indicated to them both that we're, we're monitoring the sites and the area up there and traffic moving up there and if they supplied certification on what's needed then, you know, they wouldn't have to find another tenant.

You wanted Mr Kabite to bring you into it so you could talk them out of it. That's correct, isn't it?---I think Kabite wanted that, yes.

You think what sorry?---Mr Kabite wanted that, yes.

40 Well, why you do it for Mr Kabite then?---I just indicated to both of them that they needed ensure that Mr Kabite supplied the certification that they required.

But why did you go into bat for Mr Kabite?---In hindsight I wouldn't be able to answer that.

The guy that's been terrorising you. Why would you stick up for someone like him?---Mr Mack, I don't, I don't have an answer for that.

So you say it was Mr Kabite's idea to get you involved do you?---I think when he first rang me to tell me that he was going to be evicted.

It wasn't the other way around was it Mr Izzard?---No.

You didn't volunteer to get yourself involved did you?---I think I indicated to him that if he needed me to speak to Ms Anne Bartlett or McVay that I would. Because as I said at that stage I didn't seen any evidence of dirty fill.

10

But there was evidence of clean fill there.---That's correct, yes.

And you knew the lease was for a transfer station.---I also knew at that stage that supposedly Mr Kabite and Mr McVay had an agreement for clean fill to be taken on the property.

But you also knew that there was no – or you didn't have any documentation that said that the council had approved bringing clean fill onto the site, did you?---Correct.

20

Did you ever see the eviction notice?---No, I don't think so.

So you can't say on what basis Ms Bartlett and Mr McVay wanted to evict Mr Kabite, could you?---Unless he told me over the phone. That's the only
- - -

Well, I'll show you what he told you.---Yeah.

30

This is call 6-9-5-4, part of Exhibit 32. The relevant exchange starts at the bottom of page 2. "The lady, she came back again. She said the owner so insists that after seven days to evacuate." You say, "We're from Bandon Road." "Yeah, and she gave me a list of I have to do this and that." "Yeah, yeah. You told me the list but she's not kicking you out." And then Mr Kabite continues with the exchange on page 3. Can you recall the list? ---Not off the top of my head. And as I said, he may have sent it to me, actually. I just, off the top of my head I can't recall.

40

And then down the bottom it says, sorry, you say, "Yeah, what you need to do is say that council is onto it. You need to get me involved." That's you volunteering yourself, isn't it?---That's what that would imply, yes.

Did Tom Cooper ever say anything to you about Ms Bartlett?---I don't think initially, no.

When you say initially, you've only met him twice.---Yeah, one was up on the top site at Bandon Road. And I think Mr Cooper I met also down in Garfield Road. Just prior to Christmas we had a report down there of possible asbestos.

Do you know if Mr Cooper knew Ms Bartlett?---I think so.

You don't think so?---I think so.

You think so?---You didn't want me to finish that question?

That was my question.---Okay.

- 10 Do you have any trouble pronouncing Nosir's name, Nosir Kabite's name? It's a name you would have used a fair bit.---I only make reference to him as Nosir, I think.

Nosir?---Yeah. That's all I used to make reference to him as, Nosir. And in
- - -

But you knew exactly who he is, 'cause you've been in touch with him a lot.---I didn't know too much. I don't think I knew his surname.

- 20 O.K.---You know, when I would speak to the rangers, they would give me a different surname than the one that Andy would give me, for argument's sake. So I don't know at that stage that I knew his surname.

All right. I'll play you the call between yourself and Ms Bartlett.---Yeah.

Call 7-1-3-2. It's from 25/2/2016.

- 30 **AUDIO RECORDING PLAYED** **[2.56pm]**

MR MACK: It's a fairly lengthy phone call isn't it, Mr Izzard?---It certainly is.

You tried very hard to get Ms Bartlett to reconsider evicting Mr Kabite didn't you?---I would disagree with that.

You didn't try very hard?---I don't think that's in there.

- 40 I'm not saying it is. How would you characterise that attempt?---I spoke to Mrs Bartlett, Mrs Bartlett in relation to three sites in that conversation.

Page 7, at the bottom of page 7. That's a reference to the meeting you had with Tom Cooper isn't it?---I think so, yes.

You'd identified a couple of issues next door. I went down and spoke to them. The truck had arrived to clean it up. So something is on the ground and a truck has arrived to clean it up haven't they?---Yeah, I don't, I don't

think that was the case. I think the truck was still there. It was still full with, with the concrete.

You weren't doing a very good job of monitoring Mr Kabite, were you?---
Out of this inquiry, it would appear not, no.

'Cause he was bringing in loads and loads of dirty fill, wasn't he?---Again, I didn't see any evidence of dirty fill.

10 You accept that's what he was doing, though, don't you?---I don't have any evidence that would suggest that.

You accept now that's what he was doing?---Only based on the one that I seen, yes.

Why did you pretend you couldn't pronounce Nosir's name?---Because actually, now that it reminds me, I only refer to him as Nosir. And I think I originally, when I put him in my phone, had him as Devonshire, because that was the street, I think, that I first met him and I didn't have his surname.

20

The street where you first met him was 405 Willowdene Avenue. That's your evidence.---No, I mean in that area. Over that area there. That's why his name was put in like that.

So Devonshire is near Willowdene?---Yeah, it's over that way, yeah, yeah.

You called him Hosir.---Yeah, Hosir or Nosir.

30 You're pretending you're unfamiliar with him to Ms Bartlett, aren't you?
---That's incorrect.

You told Ms Bartlett that it was over two weeks since you'd spoken to Mr Kabite, didn't you?---Where's the reference to that?

Page 7. Halfway down.---That's a reference to the complaint about the top paddock being eroded. So that would be me attending and speaking to the other chap that's up there. Mr Tom - - -

40 So you ask Tom for two lots of samples to be produced, did you?---No. So we're going to monitor (not transcribable) and I believe the last time I spoke to him was two weeks ago, because he went up there because he complained about the top paddock being eroded and things. And that's when I spoke to Tom there, on that occasion.

So who did you ask to produce samples?---Nosir was asked to produce samples.

Did he ever do it?---No.

You asked him to produce samples did you?---Yes.

Do you have a record of that?---Not in the database, no.

So it was an old - - -?---This was just - - -

10 - - - it was an older direction, was it?---This was prior to him being evicted, when they wanted the documents' requirements. So they were never produced.

What you're in effect doing here with Ms Bartlett is trying to charm her into not evicting Mr Kabite. That's correct, isn't it?---That's not correct.

Well, why do it? Why go to all this effort?---I am there speaking to Ms Bartlett about three locations. And Mr Kabite's location just happens to be - - -

20 You accept the bulk of the conversation is about Mr Kabite, though, don't you?---Yeah, majority of it, yeah.

But you had no interest in the Bandon Road yard, did you?---Zero interest.

Do you recall having a conversation with Mr McVay shortly after this?---Yeah, I don't know whether it was after it or the next day, maybe.

MR MACK: It was on the same day?---The same day then, yep.

30 I'll play it to you now. It's call 7-1-3-4 on 25 February, 2016.

AUDIO RECORDING PLAYED

[3.15pm]

MR MACK: Was that the first time you'd spoken to Mr McVay?---Yeah, I think so.

40 So you didn't call him when Mr Kabite told you that there was some agreement between Mr Kabite and Mr McVay in relation to dirty fill did you - in relation to fill did you?---No.

But you called him when Mr Kabite was issued with an eviction notice didn't you?---I think he called me didn't he.

All right. Mr McVay called you. That's correct. I withdraw that. But that was the first time you spoke to him. That's correct?---Yeah.

And you expressed to him your thoughts on what was happening at Bandon Road didn't you?---Bandon Road and the other site, yes.

And you went as far to say that Mr Kabite seems pretty honest to you.---
Yes, that's - - -

That's not true though is it. You've told the Commission on numerous occasions that Mr Kabite isn't honest.---No, my dealings - - -

- 10 But you're representing to Mr McVay that he is honest.---My dealings with him in relation to his site there he's to an extent been quite honest, yes.

You also said you've been pretty hard on Mr Kabite. You hadn't been very hard on Mr Kabite at all had you, Mr Izzard?---We've been monitoring what he's doing there 100 per cent.

Not doing a very good job of monitoring what he was doing there were you?---Well, it would appear not as a result of this inquiry.

- 20 This is just another example of you trying to convince someone else not to evict Mr Kabite isn't it?---No.

So you weren't trying to convince him of anything?---I wasn't trying to convince him of evicting him. If Mr McVay wanted him out he's quite within his right to get him out.

You didn't mention anything in this conversation about an agreement to bring in clean fill did you?---No, I didn't, no.

- 30 Which is odd because it was part of your plan and Mr Kabite's plan to throw it all back on Mr McVay if any of this ever came light wasn't it?---That's not correct.

That's the word – they're your words though aren't they, you'll throw it back on Mr McVay?---I believe there's a conversation in relation to that, yes.

- 40 I'll take you to that conversation now. It's call 7-6-1-5 and it forms part of Exhibit 32. You might recall this bit of conversation just after you've had your hip replacement?---Correct.

And at page 3 you say, you tell Mr Kabite what you told the EPA, which is, I'm just going to say, "Listen it's all being managed by Angus so chase it up with Angus. He told I believe the landowner there that everything was okay". And then you say, "And they were waiting for the, they were waiting for a DA so we'll throw it back on Angus." That was the plan wasn't it?---Well it was the plan because Angus mentioned in his conversation with me that they had a DA for the site.

For what site?---For those sites at Bandon Road.

For a transfer station Mr Izzard?---That's what Mr Angus said in his. So that's what this statement would infer, that's correct, yes.

So you took McVay's statement in relation to a DA to be an approval to bring in thousands of tonne of fill?---Not an approval, that he was managing the DA process of it.

10

But the DA was for a transfer station Mr Izzard?---Correct, for him to bring fill in to get it set up, yes.

The development application was for a transfer station for a skip bin business. That was your evidence?---Correct.

Nothing to do with bringing in fill?---Only when Mr Kabite's had a conversation with Mr McVay in relation to the changing of the – bringing fill in there to stop it from flooding. That was relayed to me.

20

You've got no reason to doubt Mr McVay's evidence earlier in this inquiry that it was going to cost \$9 million to remediate that site do you?---No.

And you were in here when he gave evidence that 13,000 cubic metres of fill had been brought into that site?---That's correct, yes.

And you were also in the inquiry when he said that was never part of the lease agreement weren't you?---I think so, yes.

30 And he gave clear evidence that it was never part of the lease agreement and nor was it permitted at any stage to bring clean fill or any fill on to the site and leave it there. You were here when he said that weren't you?---Correct.

You didn't challenge him on that at all did you?---No.

What I'm putting to you Mr Izzard is that this idea that Angus or Mr McVay agreed to let Mr Kabite bring clean fill or any type of fill on to the site is a lie?---Angus or Mr McVay, they're one and one aren't they?

40 Yes, they are one and one. You refer to him as Angus, I'm referring to him as Mr McVay - - -?---Oh sorry.

- - - out of politeness to him. But McVay – what I'm putting to you is that when you say that Angus and Nosir had an agreement that allowed Nosir to bring fill on to the site is a lie?---That's only what I've been told.

I'm saying that you were never told that Mr Izzard?---That's incorrect.

And that was something that you and Mr Izzard, sorry, I'll withdraw that. That was something that you and Mr Kabite made up after Mr Kabite was evicted. That's incorrect.

And from the very start of the lease at Bandon Road you had arranged with Mr Kabite that you would not investigate illegal dumping activities at the Bandon Road yard. That's correct isn't it?---Incorrect.

10 And in return for not investigating illegal dumping activity at Bandon Road yard you would receive money.---Incorrect.

That's correct isn't it?---Incorrect.

Do you know Ali Abdul-Rahman?---I do.

How many times have you met him?---I think three times.

Was one time at Badgerys Creek?---That's correct.

20 Was one time at a café near your offices?---Correct.

And when was the other time?---The first time was at Badgerys Creek, second time was at Kemps Creek at a petrol station and the third time was the café underneath the RID office at St Marys.

So you did meet him the second time at a petrol station? He says you didn't meet him.---I met him 100 per cent.

30 So he was lying was he?---Well, if that's what you say but I met him. A very, very short time.

Was Mr Kabite there?---He fronted up there, yes.

What do you mean by he fronted up?---He was at the service station as well next door and then as soon as he seen him he left.

Who left Ali left or Mr Kabite?---Ali. Ali.

40 Why?---I don't know why. Didn't want to see him.

Why were you meeting him?---Didn't want to, didn't want to see him from the information from this inquiry.

Had you arranged to meet with Mr Abdul-Rahman at the service station at Kemps Creek?---Yes.

Why did you arrange to meet with Mr Abdul-Rahman?---He contacted me and said he wanted to meet with me.

Just out of the blue?---No. It was following a flyover operation that we did at Liverpool and as a result of it his property at Badgerys Creek was identified with waste on it.

10 Is this is 2016 or 2015?---No, I think it was even further back, around 2012-13. As a result of that flyover with Anna Kypriotis we attended that address. No person home. Left a card next door. Then um, was contacted by Ali and we met on-site at Badgerys Creek. He was setting up a tip at the time and it was all through DA and council requirements so the matter was referred to Liverpool - - -

This is 2012 though isn't it, a long time ago?---I'm just trying to think of when the flyover was conducted.

All right. So there was - - -?---And then - - -

20 That, was that the service, the service station in 2012? I'm just trying to situate the location and the time.---No, that first one was at his site at Badgerys Creek.

All right. And then the second time?---Was at the petrol station, at the BP, yes.

And when was that?---It was - - -

Was it in the last 12 months?---No, it's probably longer.

30 So sometime in 2015?---No, I think it's be even back – yeah, probably early 2015 and/or late 2014.

And the most recent time when was that?---I don't know exactly when, when it was but it was only within the last couple of months.

In the last couple of months so after you've been stood down from the RID Squad?---No, no, no. Sorry, sorry. Previously to me so it would have been early this year.

40 Did you know that Ali owed Nosir money?---He did indicate that to me, yes.

And did he want you to assist in getting Nosir to pay Ali back?---He wanted me to speak to Nosir in relation to him paying the money back but in that conversation he said the money didn't – he wasn't worried about the money, whether he got it back or not which seemed a bit strange. He also indicated that the main reason he was contacting me was that Nosir had been going around telling everyone that I was his mate from council.

You were his mate from council though weren't you?---Well, that's what Nosir was saying, yes.

But you were his mate from council. That's what you told, that's what you told Mr Kabite to say to Ms Bartlett.---I would say that Nosir thought I was his contact to council, yes.

So why does it matter if Nosir goes around saying that, you weren't doing anything wrong were you, Mr Izzard?---No, that's correct.

10

So why would it matter?---Well I didn't need people going around and telling untruths.

But you were his man in Council, it's not an untruth, is it?---Well, it is an untruth because I work for the Regional Illegal Dumping Squad not Council.

I'll take you to call 6954, part of Exhibit 32, page 3 at the bottom, it's where I took you before. "What you need to do is say that the Council is on to it. You need to get me involved". So you yourself were happy to be known as the Council guy and to introduce some nuance into the terminology that you didn't work for the Council and you worked for the RID Squad isn't constructive, Mr Izzard?---Well I'm making reference there to get Council involved, it's not me involved. Me, me, second I'm sorry.

20

"You need to get me involved"?---But I was referring to the Council to get them involved in the process.

You were employed by Penrith City Council, weren't you?---Correct.

30

So you did work for Council, you were the Council guy and you were friends with Nosir, weren't you?---A work related friendship, yes.

So there should be no problem with Nosir or anybody else going around saying that he's friends with you?---Depending on the contents in which he uses it.

What were you worried about?---Him giving people the wrong impression of me.

40

Why would he do that, you were friends?---You've sat her and spoke to him so you would know what he does it.

You're the one that just had two very lengthy conversations trying to stop him from being convicted. You're obviously friends?---I would disagree with that.

Well who else would go to all these lengths to assist with development applications other than a friend, you weren't doing it for money, were you?
---No.

You weren't doing it because you hated the guy, were you?---No.

So you were doing it because you were friends?---Well I think that word friends is used a bit loosely but if that's what you're implying, yes.

10 So Mr Abdul-Rahman was telling you that Nosir was going around saying that you were his friend, is that right?---Correct.

And did you have a problem with that?---Well he was in a circle that and the inference that he was saying that Nosir was doing it, yes, I did have a problem with it.

You know that Mr Abdul-Rahman's involved in the waste disposal industry, don't you?---Yes.

20 And you know that he might have competitors in the waste disposal industry, don't you?---I'd say so, yes.

He wanted you to do a job for him, didn't he?---He mentioned that he had a competitor and that was it. That's all I found out.

Did he mention that to Nosir as well?---I don't know, you'd have to ask Nosir.

30 So he mentioned that to you in a private conversation, did he?---Correct.

How did Nosir find out about it?---I don't know, probably me telling him.

Did you offer to do a job for Mr Abdul-Rahman?---No.

Did you ever offer to breach the competitor of his in return for money?
---No.

40 It's the truth though, isn't it that you and Mr Kabite were involved in a joint criminal enterprise in relation to Mr Abdul-Rahman?---That's incorrect.

And the crime that you were going to commit was to use your position to frighten the competitor of Mr Abdul-Rahman?---That's not correct.

And you were going to get paid by Mr Abdul-Rahman to frighten one of his competitors, weren't you?---That's not correct.

If the criminal activity wasn't getting bribes but was robbing banks, you express the view that you would have got caught. That's right, isn't it?

---What reference is that?

All right. I'll take you to the reference. This is call 4-2-8-6, part of Exhibit 32. The call starts, "How are you going? Good morning, boss." Then you say, "I told you not to talk to him." "Who?" "That fucking Ali bloke," is what you said. "But he's all right. I went to his place yesterday." Then at page 2, "He was very open and told me everything he wants, so we've got another thing to do for him." You see that?---I do, yes.

10 What was that a reference to?---I wouldn't have a clue.

"Well, just come round, I'll be there in two minutes." And then you say, "No, won't be now. I'm at St Marys, but fucking thank fuck I don't fucking rob a bank with you. Fucking we'd get caught before we'd get out." That's a reference to Mr Kabite and Mr Abdul-Rahman and yourself, isn't it?

---That's a reference to a conversation and it's a phrase that I use commonly when I tell someone something and they go and tell someone else, so that's the phrase I use. "I'd hate to rob a bank with you. We'd get caught before we got out." That's just a throwaway phrase.

20

It's got nothing to do with somebody telling somebody else about a conversation you've had with them is it?---That's what the phrase means, that I told you not to say anything and you did. That's what that phrase is.

How's that relate to not getting out of a bank before you finished the bank robbery?---Well that's, that's the phrase that I tell you something and before we got out of the bank we get caught. That's just a reference to a throw away phrase. I've used that for years.

30 You said he was bagging you last week big time. It's a reference to Mr Abdul-Rahman bagging out Mr Kabite isn't it?---100 percent.

What was he saying about Mr Kabite?---He wasn't happy about him not getting his money that he owed him.

I think your evidence before was that he didn't care?---No, well, that's what I'm saying at one stage he said he didn't care and then in the next breath he said he was pissed off because he wouldn't give his money back.

40 I'll take you to text message 4-2-4-9. This is a message from you to Mr Kabite, can you see that?---I certainly can.

You might have a bigger problem, your man that wants his drink back rang me today and wants to meet next week. That's not a reference to the refrigeration units is it Mr Izzard?---No, that's in relation to Mr Kabite giving Mr Ali's money back.

Do you know what that money was for?---I don't think I did at first but as a result of this inquiry I found out it was for an excavator. But I don't think initially that I knew.

In relation to the meeting that took place at the service station, Mr Izzard, why was Mr Kabite there?---I don't know.

So it was just a coincidence was it?---Correct.

10 You didn't tell him to attend?---No.

Was there any words spoken between Mr Kabite and Mr Abdul-Rahman?
---Once Mr Kabite arrived they sort of both went their own ways. I think they briefly had an exchange and then left but left as well.

Did it strike you as odd that everybody went their – everybody knew each other then everybody left all of a sudden?---Well, I think – I thought it was odd at first when I got a call from him, Ali.

20 Do you know Sam Abbas?---I do, yes.

Have you ever met him?---Yes.

So he was lying when he said he's never met you?---Correct.

Does Mr Abbas manage a property at 5365 Wisemans Ferry Road?---I believe so, yes.

30 Have you ever been there?---No.

Have you ever discussed it with Mr Abbas?---Yes.

On how many occasions?---I think twice.

Do you know why Mr Abbas lied about knowing you?---Wouldn't have a clue.

40 I'll take you to phone call 2-8-0-6. Mr Kabite again says – uses that word we, "Do we have anyone at Gosford?" Do you see that?---I do, yes.

It's a reference to you and him isn't it?---Well, in this conversation I would say so, yes.

Over the page at page 2 it says, "We need to fix it up in relation to a problem that a friend's having in Gosford." Why would you and Mr Kabite need to fix something up together?---I don't know. You'd have to ask Mr Kabite but this conversation was in relation to Mr Sam Abbas.

What did you do for Mr Abbas?---From what I can remember Mr Abbas had an issue with, an issue with – I don't know whether it was the RID Squad. I thought it was the EPA and Gosford Council and he needed to find out a little bit more about what the problem was. So I made a contact – I made a phone call to Mr Andrew Reece at the time who was working with the EPA and outlined the issue to him to see if he could get some background and let me know what the story was.

10 Did he get any background and let you know what the story was?---I think ultimately at the end of it, it was established that the matter was not going to be looked after by the EPA. It was being referred back to council for them to do any action.

And did you share any of that information with Mr Kabite or Mr Abbas?
---Only the outcome of what, what Mr Reece told me, that as a result of the issue council are going to be looking after it.

20 So you didn't forward any emails to Mr Kabite that you'd been forwarded by Mr Reece did you?---No, I think it was only a phone conversation. But I don't think an email was, was, I can't remember whether an email was generated.

Do you know who the Ibrahims are?---Only the ones on the television.

And who are they?---The brothers from the Kings Cross. I don't know them personally. Only what I read in the paper.

30 I'll take you to call 7-0-2-0-0, it's an MMS message from you to Mr Kabite. This is a message you sent to Mr Kabite. It's a screenshot of an email to Reece, who I presume is Andrew Reece?---Correct.

Have you seen this email before?---I may have actually, yes.

Do you recall being copied into that email?---I, I'd be guessing Mr Mack.

Do you see the title of the email, Proceed With Caution?---Correct.

40 And it's an email from Mr Bourne from the New South Wales EPA?
---Correct. I think that's the chap Mr Reece originally said was being allocated the job or that he spoke to him I think.

And it says aside is affiliated with owned by the Ibrahim family. Do you see that?---I do, yes.

Why would you send that to Mr Kabite? It had nothing to do with him?
---100 percent. I don't know why it was sent to Mr Kabite.

Do you regularly share information from the New South Wales EPA with Mr Kabite?---This would have been the first occasion that – I don't know. I'm just at a loss why it would have been sent to - - -

There must be a reason why you sent it to Mr Kabite?---Well I don't know why actually, truly.

No idea?---No, I don't.

10 So was the arrangement that you were to get information for Mr Abbas and relate it to Mr Abbas?---Mr Abbas just said to see whether he can, whether I can find out who was looking after the matter. I think that was the, the extent of it. That's what he initially asked.

Well what was Mr Kabite's involvement?---I think he just knew Abbas.

20 So did you tell Mr Kabite about your discussions with Mr Abbas?---I think that when I met him that he was present. But I don't know whether following the inquiry whether he knew the outcome I don't know. I, I wouldn't be able to answer that.

Did you meet him at Bandon Road yard?---I did, yes.

Why?---Because that, that's where, where he came up to meet me about it.

Why couldn't you have a conversation on the phone?---I don't know, I think he was just up this way, that's why. I don't think there was any prearrangement for that.

30 What did you discuss?---Just what he had an issue about. He had an issue about the, the dumping on his property at Spencer I believe, Wilberforce.

Spencer?---Spencer, Spencer. And there was some issues with Council about Council dumping there for the last 40 years and things like that. He outlined that, the details of that and said that he had evidence about this and that and asked whether I could make a phone call to see who was looking after the matter.

40 You'd already made those inquiries hadn't you?---Where prior to me meeting him?

Yeah?---I, I don't think so. I think I met him and he told me the details. But if you're able to show me differently then, but what I can recall.

Well that, that text message I just took you to was from 9 December, 2015? ---Yeah.

And you met with Mr Abbas on 10 December, 2015. I can take you to 10 December, 2015?---If you could thanks, yeah.

I'll play you call 4785 from 10 December, 2015.

AUDIO RECORDING PLAYED

[4.09pm]

10 MR MACK: Now obviously Mr Abbas's name isn't mentioned in that phone call but if you want me to establish the date with you I can take you to a text message from Mr Kabite to Mr Abbas on 10 December, it's text message 4773 and it's part of Exhibit 26?---Yeah.

So that's Mr Kabite texting you the address. So do you accept that it was 10 February that you met or? Sorry, I withdraw that, 10 December, 2015?---If that's, that's what the date is saying I would say, yes.

20 And why did you have to meet with Mr Kabite before you met with Mr Abbas?---I don't know. He probably just wanted to outline what his problems were. I, I, I wouldn't know exactly why but - - -

Well, I'll play you a call from 7 December.---Yeah.

So this is three days before the meeting. This is call 2-8-0-8.

AUDIO RECORDING PLAYED

[4.11pm]

30 MR MACK: Then Mr Kabite texted you the address and that's at text message 2-8-0-9. Do you see that, 7 December?---Yes, I do. Yes.

So by this stage you'd already made inquiries about what was happening at Spencer. That's true isn't it?---Well, the inquiries would have started when he first sent me the, the information and as I said I don't know whether Abbas – I don't, I don't know whether I met him – well, I must have met him after this information for sure, yeah.

40 So what did you need to discuss with him after that?---He just wanted to outline what exactly what had happened because I was making inquiries in relation to who was looking after the, the job and I think Mr Abbas just wanted to know - - -

But you told him that on the phone the day before. You had this conversation with him on 9 December. Remember when Mr Kabite pretends that your name is Peter, do you remember that conversation?---I, I do recall that.

I'll take you to that now.---Was that with Mr Abbas?

It's Mr Abbas. It's call 4-6-7-4. It's part of Exhibit 26. This is on 9 December. "Here, Peter. My friend wants to speak to you, the one, the one from the council. Speak to him. Okay." And then you say, "Sam, how are you going, mate?" And the whole conversation outlines in of intimidate detail Mr Abbas's problems he's having up at Wisemans Ferry.---Correct.

- 10 Why didn't you tell him your name was Craig? This whole conversation he calls you Peter.---I don't know why. I don't even know why I was introduced as Peter. I, you know.

It's another example of Mr Kabite being dishonest isn't it?---It would appear so, yes. Can I just be shown the screenshot again, thanks.

You certainly can. It's on 9 December. It's 7-2-0-0.---Is that the screenshot that's attached to the text above?

- 20 Yes. If you're struggling with the chronology Mr Izzard - - -?---No, no, that's okay I just - - -

I'll refer you to the call you had with Mr Reece if you like?---No, it's all right. I just wanted to pick up the, the date on it, but - - -

It doesn't appear on the screenshot?---No, I know. No, I'm, I'm okay with the chronology of it.

- 30 So my question is why did you need to meet with Mr Abbas?---I can't really, I can't recall why I needed to meet with him, whether it was just to confirm that those details I'd already relayed to him were true. I don't know. But I do remember meeting him at Bandon Road and I do remember him going through that procedure, that issue that he was having.

Did you tell Mr Reece that you met with met with Mr Abbas?---No.

Why not?---(No Audible Reply).

- 40 He tells you to proceed with caution or he's got a message from the EPA saying proceed with caution, instead of proceeding with caution you meet with him at Bandon Road with Mr Kabite. It's not very cautious is it Mr Izzard?---In hindsight no.

So did you tell Mr Reece that you met with Mr Abbas?---No.

Why not?---I didn't think there was any reason. Mr Reece had told me what the story was and I passed it on to Mr Abbas, the council were looking after it.

Do you recall me asking Mr Kabite what a reference to a water jug was?---I do, yes.

Do you know when you listened to that conversation did it ring any bells with you? Do you know what the reference to the water jug was?---A water jug is a refrigerated water jug.

10 Why did you want one?---Because mine had broken and I, I think I'd requested either that day or the day before contact with my brother to see if he had one and then in general conversation with Mr Kabite, I asked him whether he knew where one could get it. So the water jug is in relation to a refrigeration unit, small water jug.

How big?---It's about that big.

You're indicating over a metre high?---Yep. A metre plus. Where you put the water in the top, the bottle of water and top.

20 Commissioner, I have probably one further call to play to Mr Izzard. Something technical needs to happen before that occurs. That'll take about five to ten minutes. I propose that we stand the matter down until tomorrow. And I'm just about through my questions for Mr Izzard, so I won't be very long.

ASSISTANT COMMISSIONER: Then we'll adjourn until 10 o'clock, sorry, 2 o'clock tomorrow afternoon.

30 **THE WITNESS STOOD DOWN** [4.19pm]

AT 4.19pm THE MATTER WAS ADJOURNED ACCORDINGLY
[4.19PM]