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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

Reference: Operation E15/0978

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 13 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: You're still on the same oath, Mr Izzard. Just take a seat there.

<CRAIG IZZARD, on former affirmation

[2.04pm]

ASSISTANT COMMISSIONER: Yes, Mr Mack.

10 MR MACK: Mr Izzard, the first issue I want to clarify with you this afternoon is in relation to some evidence you gave yesterday about samples requested from the Bandon Road yard. At transcript 1045, this is from yesterday, I put to you – it will come up on the screen in a second. But I put to you, “You asked him to produce samples, did you?” And you answered, “Yes.” And this is in relation to Mr Kabite. And then I said, “Do you have a record of that?” And you said, “Not in the database, no.” And the exchange continued. But you say that this was prior to him being evicted, when they wanted the documents’ requirements, so they were never produced. Why did you ask Mr Kabite for samples?---I think I meant the  
20 certification, not samples. Certification about the loads that were taken in there. Not samples.

But you told Ms Bartlett that you’d asked them for samples.---Yeah, I think I meant certification.

So you’d asked Mr Kabite for certification?---Certification, yeah.

And why was that?---Well - - -

30 Were you suspicious that it might be dirty material?---No, I had no suspicion, but I just wanted to make sure we get that sorted out there.

You never suspected that there might be contaminated fill on the site?---I never seen any, no.

Did you suspect there might have been some?---Oh, I don’t think I – no, probably not.

40 Do you recall yesterday you and I having a discussion about what was meant by clean fill, and we were chatting about construction waste? Do you recall that discussion?---I do, yes.

Do you understand there’s a difference between clean fill and dirty fill? Do you personally make that distinction yourself?---Yes, that’s - - -

So there’s clean – do you equate clean fill with VENM material?--- Basically, yeah. Like dirt.

Dirt. And dirty fill could be dirt mixed with construction material, is that correct?---That's correct.

And it could also be completely construction waste? That is without any soil?---Yeah, that's correct, yes.

And what do you understand, well, if you were to use the term "waste", would that refer to dirty fill?---I think it would just refer to waste across the board.

10

Waste across the board?---And then whether it's determined whether it's clean fill or dirty fill or contaminated.

So it's not the case that waste just refers to contaminated waste?---No, I wouldn't think so, no.

Do you use "waste" globally in the sense that it could refer to clean fill, dirty fill or waste?---Yeah, it depends on what you're looking at, yes.

20

I'll take you to a part of your compulsory examination and I ask that the suppression order in relation to page 79, lines 40 through to page 80, line 15 is lifted.

ASSISTANT COMMISSIONER: Yes, I make that order.

**SUPPRESSION ORDER LIFTED IN RELATION TO PAGE 79, LINE 40 THROUGH TO PAGE 80, LINE 15 OF COMPULSORY EXAMINATION**

30

MR MACK: It will come up on the screen. I want to take you to page 79, about line 49 and for the purpose of the transcript this is an examination you had with the Commission on 20 July, 2016. You recall having that examination, Mr Izzard?---Yes.

40

And there was a question put to you, "And what was Nosir's concern?" And you said that he believed it was contaminated and over the page the question is, "With what?" And then your answer is, "Don't know, just contaminated and when I refer to waste as being waste, in my terminology I would refer that waste as being, you know, contaminated waste but when I refer to it as landfill it's clean landfill." Do you see that?---I do, yes.

And then the question is put to you, "I take it waste would be illegal if you like?" And you agree with, "Yeah." Do you see that?---Yes.

So is it the case that when you refer to waste you're referring to either contaminated waste or waste that would be illegal to dump?---Yeah, the waste that I'm looking at, yes.

The waste you're looking at.---Yeah.

10 So you wouldn't call clean fill waste would you?---Well, depends. It's hard to answer. I probably have in the past for sure called, called it but I would probably it if it was dirt just I'd call it landfill maybe. There's a couple of terminologies for it but it can be determined as waste.

So clean fill can be waste. Were you lying in your compulsory examination when you said that waste refers to material that's contaminated?---I don't know if I was lying. I'm just probably here to give a better explanation as to what you're saying waste is. So I don't know if I was lying there.

But waste, waste certainly encompasses dirty fill as well doesn't it?  
---Certainly does.

20 I'm going to play – if that could be taken from the screen now. I'm going to play you a phone call and it's a phone call from, it's a phone call from 25 February, 2016 and to just give you a bit of a context it's a – 25 February, 2016 was the same day you spoke to Mr Bartlett and Mr McVay – Ms Bartlett and Mr McVay and it is phone call 7-1-3-6. I'm not playing the whole of the call. There's a bit at the front of the call which won't be played.

30 **AUDIO RECORDING PLAYED** **[2.12pm]**

MR MACK: Do you recall that conversation?---I do, yes.

And do you know who the other person on the line is?---I do.

Is that someone you have a close personal relationship with?---Someone from my football club, yes.

40 All right. So the reference here to Lebanese and the bloke at Riverstone that's a reference to Mr Kabite isn't it?---Correct.

And the reference to him being taking dump waste in there is a reference to him taking waste that isn't clean fill into Bandon Road isn't it?---I don't think I ever thought about that when I was speaking to her but like I said, I've never seen dirty waste in there but I think it's just me making conversation but I can see what you're looking at for sure.

You had no reason to mislead Sharnee in that conversation, did you?---No.

You were being quite truthful with her?---Yeah, just conversation for sure, yeah.

I'm going to show you a document. I've only got one copy at this point in time. It's a copy of a development application from Blacktown City Council and it's dated 23 December, 2015. I'll just show you the document first. Do you recognise that document, Mr Izzard?---I've never seen it, no.

10 Thank you. I'll have that back. Commissioner, it's on the screen currently. I tender that document. It's a development application for Riverstone Parade and it's dated, signed by Ms Robinson of Blacktown City Council, on 23 December, 2015.

ASSISTANT COMMISSIONER: Exhibit 34.

MR MACK: And I can indicate it only came into the possession of the Commission today. It's not the case that the Commission had access to it at the beginning of this inquiry.

20

ASSISTANT COMMISSIONER: What's the relevance of it, Mr Mack?

MR MACK: It's the chronology in relation to when material - when Blacktown City Council, as a matter of development application, permitted virgin excavated natural material to be brought onto Lot 211 at Riverstone Parade. You'll see in the third box down, subtitled "Development".

MR PATTERSON: Commissioner, it doesn't say Riverstone Parade. It says Garfield Road West. I don't know if that's one and the same property.

30

ASSISTANT COMMISSIONER: Yes, I've got to say, that was one of the questions in my mind.

MR MACK: Commissioner, but perhaps if it's marked for identification, and when I sit back down I can tie in the property description, the lot numbers and the DP number there, which is 8-3-0-5-0-5.

ASSISTANT COMMISSIONER: Mmm.

40 MR MACK: But I take your point in relation to - - -

ASSISTANT COMMISSIONER: We'll mark it MFI.

MR MACK: MFI4, I think, Commissioner.

ASSISTANT COMMISSIONER: 4, I think. Yes, it is.

**#MFI4 – BLACKTOWN CITY COUNCIL NOTICE OF  
DETERMINATION OF A DEVELOPMENT APPLICATION FOR  
LOT 211 DP830505 GARFIELD ROAD WEST RIVERSTONE**

MR MACK: Mr Izzard, have you ever met Ali Taleb?---I, I, did he give - -  
-

10 He gave evidence. He's the son of Mr Kabite.---I think one of them I did.

What about Mohamad Taleb? He was the young man who had the  
interpreter during the inquiry.---I've seen him on site, yes.

You've seen – have you met him, though?---I think so. I've met him too,  
yeah.

Have you introduced yourself to him, for example?---I wouldn't – maybe, I  
don't know. I have, I have met him.

20 You have met him?---Yeah.

Mr Fattah? Have you – Atef Fattah? Have you met him?---Which one was  
he?

30 He was also a nephew of Mr Kabite's. He gave evidence and then he was  
stood down and came back and gave some further evidence.---I've met a –  
only know them by face out there on site. And then one of them I met when  
he brought firewood to my place. I can't recall which one it was, but. But I  
have met the two sons.

I'm going to take you briefly back to 100 Martin Road, Badgerys Creek.  
And you'll recall last Thursday, last Friday my apologies, asking you  
questions in relation to Mr Barillaro and you denied ever knowing him or  
meeting him. Do you recall giving that evidence?---I said that I don't think  
I met him, yes, that's correct.

40 I'll take you to volume 7, page 7, and halfway down this page there's a  
message from you to Frank Bono on 26 November, 2014 and it says,  
"Frank, Vince and I started on," it says "on sit", but - - -?---On site, yep.

"On site this morning in Martin Road at 6.00am to properties identified,  
one between 90 and 100 and also 140. Can you run some searches on both  
properties?" Firstly, who's Vince?---Vince Merrick, he's another officer  
from RID.

And you understand that Mr Barillaro owns the property currently at 100  
Martin Road?---I think I've only found that out from this inquiry.

Well, if I take you to volume 7, page 2. This is from ALS Global Sydney. If you track it through to page 3, it's the receipt of a chain of custody, which is at page 3. Is that your handwriting?---No.

It's not your handwriting. But that's your email address at the top?---It certainly is, and my contact number. I think Vince submitted this and took it to the laboratories for us because he worked in that area where, where the laboratories were.

10 And I'll take you to the pictures in volume 7, this is volume 7, page 11, and I took Mr Barillaro through these pictures as well and he was unable to identify them. But my question for you is do you recognise these pictures and where they're taken?---I'm, I'm of the idea that I took these when I was on site.

At 100 Martin Road or - - -?---Correct, 100 Martin Road. I don't know whether it went to the - if you just go back to the beginning.

20 If we take you back to page 11?---Yeah. Yeah. And this is the rear of the property as it runs down to the back of the creek line there.

So if I take you to the map in volume 7, page 6 can you identify using words where the picture on page 11 was in relation to the map on page 6?---I think it's probably where the cursor is now, maybe up a little bit further to the left, yeah. Maybe, I don't know whether - - -

30 There's a yellow pin there that says - - - ?---Yeah, no, it's further, it was further down to the, there more fill on there. Yeah, it was further down that way back towards the creek line.

For the purpose of the transcript the cursor is next to a brown - - -?---If you take the cursor up in the middle of the property it's probably you know, too far, because 100 is only just where the driveway, where it says the driveway at the front pin. That property is only that shaded area where the line goes. I think it's separated there.

Where the cursor is now?---Yeah, probably a little bit further up. Probably, yeah, yeah.

40 So it's near - it's - - -?---It's in the property of 100 Martin Road.

All right. So you are - just for the purpose of the transcript the cursor is about two and a half centimetres below the yellow pin point. So you don't deny having been to 100 Martin Road previously?---No.

You just say you didn't meet Mr Barillaro there?---Correct.

And you never met him?---Never, never – when he walked into the inquiry I’ve never seen him before but I – but part of them photographs were mine because I remember taking them the back of the, at the back of the property.

Okay. So you’d have no reason to have Mr Barillaro’s mobile phone number on your phone would you?---Well, I wouldn’t, I wouldn’t think so that I, I would have it. The one from council?

10 Yeah, yes.---Yeah, yeah, I don’t think I would’ve had it and as I said, all I can remember that job it was very short and it was referred back to Liverpool Council.

20 You certainly wouldn’t have called Mr Barillaro on his mobile phone?---I, I do recall when I was leaving that there was a shipping container on the left-hand side of the, of the property as you walk out and the property appeared to be in the process of setting up like a business because the land – the fill on the land wasn’t completely back to the rear of the property and I just don’t know whether I took the number off the side of the shipping container and contacted them to see if they had a, a contact number for the owner of the property. Because that shipping container - - -

So there was a shipping container at 100 Martin Road with a phone number on it?---Like a storage unit, like a, you know, like Kennards Storage or something like that.

And so did you call Kennards Storage for the number for the owner of the container?---I think I may have. I, I – as I said, I can’t recall exactly but I think I may have.

30 And can you recall whether or not you got the phone number for the person who owned the container or - - -?---As I said, I can’t remember. I do remember the shipping container there and the number there and as I said, within a day or so the matter was referred back to Liverpool Council because I believe that it was just a business that was setting up. The landfill that I took photographs of appeared to be, you know, clean from what I could see.

40 So what time of – what year was this?---Well, it’d be the year, the year from the, the email so it’d be 2014 thereabouts. It was the, the, the period around where Vince and I sat off the place.

I’ll take you to volume 7, page 28 and you’ll see that Mr Barillaro’s number is handwritten up the top and it ends in a 6-5-4. Oh, you can’t see it on there.---No, that’s got a – yeah.

It’s got a redaction on it.---But, but, you know, if, if that’s - - -

Anyway it’s written there.---Yeah.

You can take it from me.---Yeah.

I can take you to the - - ----I'll certainly take it from you.

What I'm about to put to you, Mr Izzard, is that the Commission has run an analysis of your phone and found that number in your recent contacts.

---Yeah, I'd be very surprised of that.

10 So if the Commission did find – well, you can take it from me that the Commission did find Mr Barillaro's number in your recent contacts on your work mobile phone. Can you explain that?---No.

You never would have sent a text message to Mr Barillaro either?---Not unless you can refer me to it.

Well, I can take you to an extraction report from your phone.---Yeah.

And I'll hand this to you.

20

MR PATTERSON: Commissioner, I object to this. I don't know how this material has been obtained and it may well be an offence under federal legislation to obtain material of this kind. This is a state tribunal, and state-enabling legislation would not override prohibitions under the Telecommunications Act or similar.

MR MACK: I can indicate it's just data from a phone. It's not an intercept. It's just a report from a phone. Perhaps if I take Mr Izzard to it, and he can either accept the propositions I'm putting to him or not, and the document  
30 can be marked for identification, and if there's any issue with it, it can be taken up.

ASSISTANT COMMISSIONER: Yes, all right.

MR MACK: I'll hand you the document. It's an extraction report. It's 14 pages. I've only got one copy of it, but you'll notice there's an orange tab about page 8 of that document. And it's line 212.---212, was it?

40 Yes. Number finishing 6-5-4.---What did you say the number finished in?

6-5-4.---Oh, 6-5-4. I see that, yes. When you say recent, you're talking 6 February, 2015.

Sorry. There was two issues. There was a recent call. And this is another issue. This is a text message from your phone to - - ----Yeah.

- - - Mr Barillaro's number. And I accept it's from that date that you just read out, in 2015. So the question is can you account for a text message

from your phone being sent to Mr Barillaro on that date?---Not that I can recall, no, because I'd never met the chap.

All right. I'll have that document back. Mr Izzard, would it surprise you if I said that you contacted or were contacted by Mr Kabite in October 2015 via text or phone call over 150 times?---Probably not, no.

So that sounds within range?---Of his contact?

10 And your contact.---Oh - - -

In total.---Again, I wouldn't be able to guess. But if that's what you're telling me, then I would agree with it, yes.

And then November around in excess of 70 times, November 2015?---If you're telling me then yeah.

20 And December in excess of 80 times?---If that's what you're telling me, yes.

And January again in excess of 80 times?---Again, yes.

And February of this year in excess of 100 times?---If that's what you're telling me, yes.

And then in March in excess of 50 times. Do you accept that that's plausible at least that you might have interacted with Mr Kabite?---Well if that's what my phone records are saying then for sure, yes.

30 All right. Thank you.

ASSISTANT COMMISSIONER: Mr Izzard, you told us that you didn't suspect Mr Kabite of putting illegal material on to that site at Bandon Road?---I think it was – I didn't see any, Commissioner.

And you don't suspect anything?---No, not, not really. You know I – now in hindsight looking at the management of that site a lot of things would appear that have gone wrong.

40 You knew that he'd been convicted in respect of Mr Matthews' property? ---I certainly did, yeah.

Did you know he'd been in gaol at some stage?---No, only from what I heard in this inquiry.

And on the day Mr Cooper was there he saw a truckload of concrete? ---Correct.

That you told him to get rid of?---I did, yes.

Didn't that make you ask a question about what was going on there?---I don't think I gave it an amount of thought just that he got rid of the waste from there.

MR MACK: Just in relation to the issue of the iPhone, how many iPhones did Mr Kabite provide to you?---I think there was two.

10 Was one of them for your son?---That's what I initially said, yes.

That's what you initially said to Mr Kabite?---Correct.

And you never paid for either of those iPhones did you?---I made offer for payment but he wouldn't accept it.

Did you make that offer before or after you received the phone?---As I received it.

20 But not at the time of the request, though, did you?---No.

Commissioner, they are the questions I have for Mr Izzard. There's the telephone calls that needed to be tendered from Friday, 9 September, Monday, 12 September and the one phone call from today, when I say phone call I mean text messages as well. I'm reliably been informed that there's 36 in total. I tender all of those.

ASSISTANT COMMISSIONER: Well they can be Exhibit 34 then.

30

**#EXHIBIT S34 - TRANSCRIPT SESSIONS 450, 481, 5665, 1141, 1206, 1310, 1672, 1682, 1805, 1834, 1901, 3746, 2709, 2801, 4148, 4149, 4150, 4151, 4154, 4209, 4223, 4662, 4698, 23536, 4795, 5735, 6028, 6383, 853, 7132, 7134, 7200, 4785, 2808, 2809 and 7136**

ASSISTANT COMMISSIONER: Just before you, you can sit down now Mr Mack, what's the telephone call where Mr Izzard speaks to Mr Kabite and said, you better cover over the shit?

40

MR MACK: That's is, I'll find that for you.

MR PATTERSON: Commissioner, whilst Mr Mack is doing that, I had a note that the surveillance film was Exhibit 33.

ASSISTANT COMMISSIONER: 34 is what I've just given, Mr Patterson.

MR PATTERSON: Oh I see, yes, I'm sorry. I'm getting confused with the development application.

ASSISTANT COMMISSIONER: It stopped being Exhibit 34 and this has become Exhibit 34.

MR PATTERSON: Thank you.

10 ASSISTANT COMMISSIONER: You probably remember what I'm talking about, Mr Izzard.

MR MACK: I've got the reference.

ASSISTANT COMMISSIONER: Okay.---I think I do. It's, it's around when the landlord and that was, was speaking with him. I can't remember the exact conversation but.

MR MACK: Yes, it's at – it's call 5-8-8-9 from 11 February, 2016 and it's page, and it's page 2 of that transcript. Page 1 gives it a bit of context.  
20 Perhaps if we just go up to page 1 first and there's mention of Angus at the bottom of it. "But Angus has got my number. If any problem he will call me." And then your reply is, "Yeah, but he might be coming to see you so just make sure it's clean, that there's no fucking shit on top now before the, before he gets here tomorrow".---Yeah, that's correct. That was just me making sure that his yard was clean. You know, the landlord was coming to see you so – there's no reference to me having any knowledge about him – thinking that he was trying to hide something. It was just me making sure that his yard was clean.

30 ASSISTANT COMMISSIONER: Is that what you meant by shit?---Yeah, I did, Commissioner.

MR MACK: What did you mean by on the top now?---Um - - -

That's a reference to there being dirty fill on the top isn't it?---No. I just men on the top of the yard. Just that as I said, from what I can - - -

Why did you have to specify on top of the yard, isn't that self-evident?  
---Um - - -

40

He didn't have to tidy up stuff that was on the bottom of the yard did he because Mr McVay wouldn't have been able to see it?---I was just making reference to make sure it's clean. That's all I was.

ASSISTANT COMMISSIONER: Would you like to read it again and put yourself in the position you were when you were a detective a number of years ago and think what it looks like?---Yes, Commissioner. I could advise you that I hope that I was a lot smarter back then than what I am now

following this inquiry so I think it was just making reference to making sure that the yard was clean, the top surface was clean.

MR MACK: Clean of what?---Just clean, just general clean.

Clean of rubbish?---Just, just clean, Mr Mack. You know, I don't think - - -

It must have been dirty though?---Well, dirt is dirty but making sure that it was just clean.

10

He wasn't going to get rid of the dirt was he?---No chance.

Commissioner, they're all the questions I have.

ASSISTANT COMMISSIONER: Yes, thank you. Mr Dunne, you want to ask questions?

20

MR DUNNE: Yes, thank you, Commissioner. Mr Izzard, my name is Dunne and I represent Mr Matthews. On Friday you gave some evidence about a meeting that you had at 405 Willowdene on 21 October, 2013. ---That's correct.

And that meeting was initially with Mr Cannuli and Nosir and subsequently with Mr Matthews.---Correct.

30

Now, you told – for the benefit of the Commission my questions are in relation to transcript 9-4-2 to 9-4-8. I don't think the witness needs to be shown those. And you told the Commission that you made no record of that meeting.---Correct.

And you took no notes.---That's correct.

And so you had no records or notes to refresh your memory about that meeting on 21 October, 2013?---That's right. I was just going off what I believed.

That's right. Yeah, doing your best trying to remember what happened two years ago. Is that right?---Correct. Correct.

40

And so it's possible that some of the things you remember may not be accurate. Is that correct?---That would only be in relation to the conversation. I certainly know the way the events played out.

Yes, in relation to the conversation or conversations I should out it because it's correct that you first met with Mr Cannuli and Nosir, just the three of you and you had a conversation.---That's correct.

And then it was after that that Mr Matthews joined you. Is that right?---  
That's right, yes.

Now when you gave evidence on Friday you said that, you answered a question from Counsel Assisting, and he joined the conversation, and being he, that's Mr Matthews?---That's correct.

10 You say or said, "I think we walked off when he came down."?---That's right.

Now it's possible that you didn't walk off with Mr Matthews when he came down isn't it?---No, I'm pretty sure that we walked off up back up to the top of the house.

I see. So you were walking back to the house?---Correct.

20 And you subsequently on Friday gave evidence about talking about a development application?---That's right, yes.

Well you've been present in, in the Commission during the whole of , the whole of the hearing?---I certainly have.

And you heard the evidence of Mr Cannuli?---Yes.

And you heard the evidence of Mr Cannuli and his interest in glasshouses being built on the property at 405 Willowdene?---That's right, yes.

30 And during your evidence on Friday on several occasions you referred to Mr Matthews talking about putting greenhouses on the property?---Yes, I did.

Now it's possible isn't it that you're confusing the mention of greenhouses from Mr Matthews with the mention of greenhouses from the earlier conversation with Mr Cannuli isn't it?---It may be the case but I was of the opinion they both might have mentioned it.

They both might have mentioned it?---Yeah.

40 But it's equally possible that Mr Matthews didn't?---For sure, yeah.

I see. And indeed your memory would have been better two days after 21 of October than it was last Friday of the events that happened on 21 October wouldn't it?---It's a given I'm sure, yes.

And on 23 October, at volume 5 page 84, you responded to an email from Renee Matthews, Mr Matthews' daughter?---That's right, yes.

Who you were giving some assistance to in the development application?  
---That's correct, yes.

And you refer in the email of 23 October on the screen towards the bottom,  
"to work being required to extend existing shed line and additional sheds  
would be erected to support horse activity carried out on the property"?  
---That's correct, yes.

10 No mention of glasshouses there?---No, there's none there, yeah.

And is it the case that in discussions with Renee she brought up the issue of  
horse riding?---Yeah, for sure.

Yes, thank you. Those are my questions.

ASSISTANT COMMISSIONER: Yes.

MR TAYLOR: Commissioner, Taylor for Cannuli if I may.  
20

ASSISTANT COMMISSIONER: Yes.

MR TAYLOR: Now Mr Izzard, Taylor is my name. I represent Mr  
Cannuli in this inquiry. You've told the Commission that Energy  
Awareness CO2 Pty Limited is the company set up for your operation of  
your refrigeration business. That's correct isn't it?---That is correct, yes.

When did you establish that company?---I think it might have been ab out  
2008. I don't really know unless I refer back to the webpage, but I think it  
30 was first registered around about then.

And prior to meeting Mr Cannuli you were operating that business?---I  
certainly was, yes.

Right. And it's a situation that there were some of these, sorry cooling  
refrigeration units, is that the correct title?---Now Coolnomix, yes.

Coolnomix. Some of those units were installed at the Marconi Club?  
---That's correct.  
40

And would you agree that Mr Cannuli was involved in that transaction?---I  
would agree that Mr Cannuli came along for the install just to get an  
understanding of the business and the application.

Well, did he assist in the installation?---No, the electrician did it.

So, what was he doing? Just there observing, was he?---Correct.

Right. Did you know anyone at the Marconi Club before the installation of those units?---Certainly did.

Right. Did Mr Cannuli introduce you to other people at the Marconi Club in relation to that project?---He certainly did.

10 And did you and Mr Cannuli have any dealings in relation to any other venue for the installation of one or other of these units?---Yes, we did some work at Flemington Markets.

Are you able to say how many units were put in at the Flemington Markets?---I think we initially put two in there but there was going to be a contract offered to us but it – the chap that was organising it left the business.

And was that two units at the one business? Or was it two different businesses?---No, two separate businesses.

20 Did Mr Cannuli introduce you to the people who'd purchased those units? ---He certainly did.

And what role did Mr Cannuli otherwise play in relation to those transactions?---I just think the introduction.

He wasn't present on site at any stage when those units were installed?---I think he might have been for the first one.

30 Right. And did you have any arrangement with Mr Cannuli as far as him referring people to you?---Only an agreement in relation to the purchasing of the units and that I would assist in the presentation.

And what was the terms of the agreement you had with him, then?---It was based on purchase numbers. So if he were in a position to – any orders over 20, then we would be able to get it at a better rate than we would for orders under single units.

40 In other words, if you bought more than one unit, the price was - - -?---You get a better price. You know, that's because of the deal where I imported them from.

And so did Mr Cannuli introduce you to any other persons in relation to the purchase of these units, other than at the markets?---I think we went to a place, another place, a coolroom place, but I just can't remember exactly where it was.

And in the time that you were dealing with Mr Cannuli in relation to the coolroom units, you spoke on a regular basis?---Yeah.

Was that usually on the telephone?---Yeah.

You didn't keep any records of how many times he rang you or you rang him?---No.

10 And you may have heard, or you would have heard the evidence that was put by Counsel Assisting to Mr Cannuli, that there was telephone records of a total contact between yourself and Mr Cannuli of some 200 calls or thereabouts. Do you remember that being put to Mr Cannuli?---Yeah, I think so.

And what's your thoughts on that? Is that an accurate assessment, perhaps? ---Oh, you know. I suppose it's a part of this inquiry to have your phone records itemised like that. It is surprising at the back end of it. I wouldn't, like, I'm not able to comment on it. If that's the case, that's the case.

20 Thank you. And is it your evidence that you paid Mr Cannuli no money in relation to any of the introductions or work that he did with you in relation to the coolroom units?---That's correct. I think we were waiting for that bigger project to happen.

So just to be clear on that, at no stage, you say, did you pay any money to Mr Cannuli?---No.

Yes, thank you, Commissioner. Nothing further.

ASSISTANT COMMISSIONER: Thank you. Mr Fraser, anything?

30 MR FRASER: No, thank you.

ASSISTANT COMMISSIONER: No-one else apart from Mr Patterson? Thank you. Mr Patterson.

40 MR PATTERSON: Thank you, Commissioner. Mr Izzard, dealing firstly with the matters that have just been put to you, you were asked if you had ever paid any money to Mr Cannuli. Similarly, when Mr Cannuli was giving evidence, page 446, line 30, he said in relation to you, "I certainly didn't give him any money." Would you agree with that?---That's correct, yes.

And in relation to the coolroom business, did Mr Kabite make any payment to you for the units that you placed with him?---No.

None whatsoever?---Correct. Oh, placed? Sorry - - -

Units that you placed with Mr Kabite.---Correct.

Did he make any payments to you - - -?---Yes.

- - - for those units?---Sorry, I was – he, he did, yes. The arrangement was that when he got money he could give it to me and he’s – and I said I think he’s paid around 1,200 bucks.

Do you recall if he made that in one payment or in more than one payment?

---No, I think it was two.

10

Do you have detail – can you recall detail of those payments?---I have, I have them listed on the MYOB but - - -

Are you able to say what those payments were in terms of amounts?---No. I think there was about 800 and 400-something.

Do you remember when the payment of about \$800 was made?---I think about December.

20 Of last year?---Correct.

And the payment of 400?---I think about the back end or early February.

Thank you. Now, you’ve given evidence in relation to 405 Willowdene Avenue. You said that you took no action in relation to that property. Why was that?---I believe that I took no action because other people were there before me and my inquiry on that – at that day was just in relation to helping Mr Matthews with the DA. The history of that property I believe goes back to about 2010. Prior to me attending there a number of persons – I think originally it was managed by Robert Stone who moved on to Bankstown. I think from the back end of that the property was attended to as we know as a result of this inquiry with – by Steve Gillis and Anna Kypriotis and the owners and that were interviewed in relation to them and samples taken and I don't know what action came of that.

30

So was it, was it your belief that not necessary for you to take any action because it was to be the subject of a DA to Liverpool Council?---Well, that was my understanding, yes.

40 Did you volunteer assistance with the DA or did Mr Matthews request it? ---I think he first of all indicated that he was having some issues so I just offered.

You said at transcript page 949, line 25, “I think what this inquiry needs to know is that Liverpool during the period that I was”, and at that point Counsel Assisting stopped you before you completed your answer. What did you want to say?---I, I think I was at that stage indicating that Liverpool itself, our contact through RID to council had gone through, through a

number of changes over about 18 months. I think in total they had four to five different managers and during that period they would meet with us on a regular basis where the co-ordinators have been involved with and they would take back responsibility of managing landfill. So it would be a – whether a, you know, three monthly or quarterly meeting we would meet with Liverpool Council where they would take the running of the investigation backs, we would take them, I think at one stage the EPA took them. I think as a result of that it went back to Liverpool Council to say we will manage them. The place was a mess and it was very, very difficult to manage.

You mean in a managerial sense?---Correct. You know, just, just who was doing who.

So is it your evidence that as far as you were concerned Liverpool Council – as far as RID was concerned Liverpool Council was something of a movable feast, went backwards and forwards between various agencies? ---Oh, they did. I don't know whether, whether they were just trying to find the ground or whether they were trying to identify who was best to manage these types of investigations.

And did this impact upon the quality of the investigation?---Oh, I think the toing and froing had an impact on it. You know, when you say toing and froing, you know, early in the days it was we would go to the meetings with folders and folders of, of investigations where we would hand them over and within a couple of months we'd go back and pick the folders up. It did make it confusing not only for the RID operators but also for the rangers that operated within the Liverpool Council. They struggled with the application as well.

Are you aware of criticisms expressed by councillors at Liverpool Council in relation to the work performed by RID, Liverpool Rangers and EPA?---I am aware that there is some dissatisfaction about the management of it during that period. And during that period they were critical, the criticism was critical on RID, on EPA and also council operatives.

Have you seen documents to that effect?---I have, yes.

Where did you see them?—I think in emails correspondence from the current manager there at Liverpool I think it is, Nadia.

Is that within volume 5 of the documents tendered in evidence?---That's correct.

You said at page 950 of the transcript, line 40, words to the effect, that everyone had access to the, to the entire file base of the RID squad meaning RID officers had access to the entire file base. Is that fairly put? Is that

correct?---That is correct. Would you like me to identify why the set up was?

10 Please do?---The, the old operational drives were set up in amongst the RID folders in that if a council area was identified so they'll have the nominated seven councils. If you attended a job you would enter it into the database and then attach everything into a common folder. And that common folder was accessed by anyone there. I think 2015 when I took over to coordinate it, Penrith had identified that that set up and reporting practice was inappropriate and, and not workable. And I think they commissioned a (not transcribable) to, to review that process and review that application. But basically what would happen is that those folders were able to be accessed by anyone within the RID office.

20 Was there a policy which underpinned that general access? What was the reason for everybody having access to the entire file base?---I don't know whether there was a policy that related to it, but I think one of the main reasons when it was first set up was that accessibility to it was for everyone because if I was off or on annual leave then other officers would be able to access it.

Could it also have for reasons of transparency, operational transparency? ---Oh it could have been, but I don't think that was the main focus of it.

You said in evidence that you were surprised that more than 200 tonnes of fill with asbestos was taken into 405 Willowdene Avenue. Do you remember that?---I do, yes.

30 Why were you surprised?---Well I suppose when I went there, attended the location a lot of the area where Mr Matthews identified to me, it appeared to have you know, growth on it. So the, the area there that, that had been identified to me it just appeared to be a lot. Again, excuse my ignorance, but quantities in relation to landfill I, I don't know too much about, so 200 tonnes, I don't know if you ever put it out on a football field how much it would be.

40 Did you go to 405 Willowdene Avenue on your initiative or were you directed to go there?---I think I was, I think I was given the job there. But as I said, I can't recall that.

You say that you provided some assistance to Mr Kabite in filling out the development application for Bandon Road. Now why did, in your opinion, why did Mr Kabite need help to fill in the DA?---I think it's just in relation to his understanding of what's required in the DA application itself. He's, you know, he, he struggles to understand different things on how, how they operate. So I think that was my main reasoning. The same with Mr Matthews, you know he was an older chap that certainly I offered my assistance to give him a hand.

To your knowledge, is English Mr Kabite's second language?---I'd say so, yes.

Is it your experience that his command of the English language is not absolutely fluent?---Yes. He would speak in his native tongue more than, you know, with English.

10 And could that form part of the reason he needed your assistance to fill in the form?---Yeah, that was a factor, yeah.

You were asked questions about the small skip bin that was supplied to you by Mr Kabite.---Correct.

And specifically were asked some questions about how much that has saved you.---Correct.

20 What do you say is the amount that you have managed to save as a result of that skip bin being supplied?---I don't know whether I've saved anything. As I said, the transaction, the bin is still sitting out the front of my place. I think at most it's going to cost me about \$260 to get rid of.

Is it your intention to pay for it when it can be removed?---That's what I was told, to ring the number on the side and I'll pay for it then.

Who told you that?---Mr Kabite.

30 Did you ever issue a clean-up order to Mr Kabite for the Bandon Road site? ---No.

You were asked questions by the Commissioner about the truck that you saw there with concrete. Did Mr Kabite tell you something about that truck?---Well, only that it had been removed, yes.

Did he tell you anything else about the truck?---I don't know whether it was that truck or another truck. He did indicate that one truck had broken down, and I don't know whether that was that one.

40 But it was your understanding that the truck that the Commissioner asked you about was to be removed, is that correct?---Correct.

And to your knowledge did Mr Kabite remove any fill or other material as a result of anything that you did?---I don't understand.

Did you give him some direction in relation to removing material?---Mainly in relation to that truck.

And what did you tell him to do about the truck?---That the waste can't stay there, because he was at that stage indicating that he was bringing fill in to level the site in preparation.

You were asked by Counsel Assisting at page 936, line 30 about the number of cases that you prosecuted. I think you said you didn't prosecute any, is that correct?---That's correct, yes.

10 And why was that?---I believe Counsel Assisting was speaking in relation to court matters. That was my understanding. And the preferred method within RID, and I believe a lot of the councils as well, was their thinking is that the issuing of infringement notices was far more effective and also less costs involved. I know that was the position of a number of councils, and I think Liverpool at one stage even went through that same process, is that court matters, they would prefer infringement notices to be issued rather than prosecutions be taken.

20 To your knowledge, was that partly because councils are reluctant to initiate legal proceedings against ratepayers?---That was mentioned, yes.

Now a number of the RID officers have said in their statements in identical terms and I'll quote. "A RID Squad officer has discretionary powers and has a range of options under the POEO Act to issue a formal warning or caution, issue a penalty infringement notice, issue a clean-up notice and or in extreme cases refer to the matter back to the Council's legal unit to take formal action through the courts". Do you agree with that?---They do, yes.

30 You were asked by Counsel Assisting about the major actions to be taken a by RID Squad investigator at page 937 of the transcript. Would you agree that the main strategy emphasised issuing infringement notices?---It did focus on that. It focused on being a little bit more proactive and, and, and engaging with the community. But it's main focus on issuing infringement notices.

Do you recall if Mr Ben, I'll spell his surname, K-r-k-a-c-h, do you know him?---He's from Liverpool Council, yes.

40 Did he ever express an opinion to you as to whether the situation at 405 Willowdene Avenue required court action or a clean-up notice?---I think there was mention about a clean-up notice but I do know that ultimately at the end of the day the Council took it back and that's why they were prosecuted.

Are you able to estimate the total amount in dollar terms of the infringement notices that you issued in Blacktown in the last year of your employment?---I think during that period of about 10 months when Blacktown first come on board we focused on a number of operations. I think totally I think roughly

around 150 jobs I completed with a roundabout \$90,000 worth of infringement notices.

And in your opinion was that affective in reducing the level of illegal dumping within the Blacktown area?---Yeah, I think so. But it was, you know it was a continuous struggle.

10 At the beginning of your examination Counsel Assisting asked you about various performance issues and the duties which are placed upon RID investigation officers, do you remember those questions?---Correct.

During the whole of the period of your employment were any performance issues raised with you by your coordinator?---No, none.

Were any issues raised with you about your database entries and maintenance of records?---No.

20 Can you briefly describe the kinds of operations that you ran?---I think during the time at RID we run a number of operations in relation to operation Flyovers where it was a joint initiative between Councils, RID and on occasions EPA. It involved the hiring of a helicopter and the two, two Council areas per operation would conduct a flyover, and we would identify properties of interest. And as a result of that flyover the properties of interest would be visited over the next period and any action taken in relation to it. There was a number of operations we also conducted, Follow that Truck and it was focusing on truck, truck drivers and the like. Those were conducted in the Liverpool/Penrith/Blacktown and Fairfield area.

30 Did you have any role in devising internal management and/or training procedures for RID officers?---Not the training componentry of it more around the, the operational side of things about what, what they needed to focus on.

40 Now, I want to take you to transcript page 948, line 45. If the witness could be shown that, at the bottom of the page. You were asked by Counsel Assisting, "Did you make any records in relation to 405 Willowdene in relation to your investigation?" The recorded answer is, "Without having access to the database, no, I wouldn't have." Over the page your answers are to the effect that I don't know, I can't remember. Do you see that at the top?---Are we on the right page?

At the bottom of the page, without having access to the database I wouldn't have, which is a positive statement that you didn't. On the next page you are less certain. You say, "I can't, I can't remember".---Oh, up the top here.

I want to put – I want to ask you this, do you think that your answer actually was without having access to the database, no, I wouldn't have a clue?---Oh,

that, just that word. Yeah, that was, that, that was meant there once I reviewed it, yeah.

So the answer without having access to the database, no, I wouldn't have a clue - - -?---Have, yeah, yeah.

- - - would be - - -?---I wouldn't know.

- - - more accurate?---Yeah, I – yeah.

10

I might just explain there, Commissioner, I asked that question because my note was that he did say I wouldn't have a clue. I did raise that with Counsel Assisting and he suggested that I put that in a question to Mr Izzard. Now, in many of the recorded conversations that you've heard between yourself and Mr Kabite he asks you if you are going back to the yard or can meet him at the yard or come by the yard. Why do you think he did that?---I, I don't know exactly, you'll have to probably ask him, but I think it was just how he finished off his conversation that he'd want to see me or chat with me or things like that. I think that was the main reason.

20

It wouldn't have been hundreds of times that you went to the yard would it?---I wouldn't say it'd be hundreds of times I went to the yard, no. I know I was asked this question yesterday (not transcribable) the Commissioner in relation to it. You know, if the phone records are analysed it would indicate on the end of each phone conversation, or before a phone conversation, that we would meet at the yard. I would be able to say on an average, as I said, that area is regularly patrolled Blacktown. It's at the beginning of my entry into the, to the local council area and on the exit out. At the most maybe once or twice a week at the most.

30

Were you in the habit of using the phrase let's have a drink or similar words?---That, that is the case, yes.

What do you generally mean by that?---I have a number of meanings to it. That, you know, it means going out and earning a living, getting a drink, earning a drink. It means making money basically. Everyone's got to have a drink.

40

Could the witness be taken to telephone intercept 2-1-3-4 dated 25 February, 2016, conversation between Mr Izzard and Andrew McVay. Could that be scrolled down. I'm looking for the section where Mr Izzard says to - - - .---There.

Yes, there it is. This is in the context as you'll see from the top of the page of leasing out yard space. You say to Mr McVay, "You, you've got to have a drink, mate".---That's right. He's got to earn a living.

What did you mean by that?---That he's got to earn a living. That, you know, he's got to get his money somehow. I think that's on the basis of them leasing the yards out.

For rent?---Correct.

You've given evidence that it was Mr Kabite who informed you of illegal dumping taking place at the Rossmore property, is that correct?---That's correct.

10

Can you give the Commission other instances of useful information being obtained from Mr Kabite about illegal dumping activity?---I know he made a referral one time to The Hills, which Andrew Bowles looked after. I also know that he was working with Anna Kypriotis in relation to some issues down there, and also Frank. I'm aware of contact also made through Andrew Reece, another location. You know, I don't know the extent of what he was doing or knowledge that he had with Anna Kypriotis, but I know he was supplying some information.

20

So to your mind he was a useful source of information?---I think he had his moments, yes.

Counsel Assisting asked you some questions yesterday about a water jug. Do you remember those?---Correct.

And that was, without taking you to it, that was telephone call 4-3-8-6 on 13 January this year. Prior to that telephone conversation with Mr Kabite, did you have a telephone conversation with anyone else about the same thing? ---I did, yes.

30

Who was that?---My brother Grant.

In relation to a water jug?---Yeah, the same coolant type thing, water.

I call for any transcribed intercept of that telephone conversation between Grant Izzard and Craig Izzard.

40

MR MACK: Commissioner, I can indicate we don't have that telephone intercept readily available. But if it assists my friend, I won't be making a submission that the water jug is an issue or meant anything other than a water jug, if that's - - -

MR PATTERSON: In that event, it's not an issue, Commissioner.

ASSISTANT COMMISSIONER: Thank you.

MR PATTERSON: Could the witness be shown this document? I can indicate I've shown that document to my friend, Commissioner.

ASSISTANT COMMISSIONER: Thank you.

MR PATTERSON: Are you able to say what that document is?---That's a bank transfer search in relation to transactions for a 12-month period, dated 1 September, 2016 to the 8<sup>th</sup> of the 6<sup>th</sup>, 2015, in relation to the purchase of firewood.

10 Does that document assist you in saying that when it was that Mr Kabite arranged for a load of firewood to be delivered to you?---I think it was around September, 2015, I think from memory from the things. And it just confirms my conversation that I had with him and then it would appear that he's came the day next, after, after I've already purchased it.

Does that document indicate that you were purchasing firewood regularly throughout the period in which in relates?---A 12 month – correct.

I tender that.

20 MR MACK: Just before it's tendered can the witness identify the account it's coming from and confirm the bank details are his or an account that he controls?---You want the account number?

Yes, the BSB and account number just, are they, is that an account that you have control over?---Yes, that's right. It's actually our, our credit card. So it's only a credit card number, account number from. So - - -

MR PATTERSON: Well is there any need for the details to be - - -

30 MR MACK: No there's not. Just confirmation that - - -?---Yeah, for sure.

- - - that it came from your account?---Correct, it does come from our account. It's a joint account, me and my wife.

MR PATTERSON: Thank you?---It's just that the number is on top of (not transcribable)

I'd ask that that be redacted.

40 ASSISTANT COMMISSIONER: Yes, that can be redacted and that can be Exhibit 35.

**#EXHIBIT S35 - BANKWEST TRANSACTION SEARCH RESULTS  
FOR MISTER FIREWOOD VINEYARD**

MR PATTERSON: Could the witness be shown phone call or the transcript of the phone call 1-2-0-6 on 20 October, 2015 between he and Mr Kabite. Page 3 you'll see reference to, "As soon as I get it and I'll make sure I get it today." Do you see that? As soon as I get it, at the top of the page and a few lines further down, I'll make sure I get it today?---"As soon as I get it I'll give you a call. That, that reference you're referring to, at the top of the page?

10 Mr Kabite says at the top of the page, "As soon as I get it - - -?---Yep. Can I just go back up and see the one before, sorry.

Certainly?---Yep. And where for me did you say?

You'll see about six lines down he says, "No, no, no. He said he's going to get today, lunchtime, but it's already lunchtime and he hasn't called me. I'll make sure I get it today." Do you see that?---Yes.

20 What did you think, to what did you think Mr Kabite was referring?---I don't really know. Can I be taken to the top of the page?

You mean to the beginning of the document?---Yeah, yes. Yep. I think he's referring to a DA, the DA application.

30 If the witness could be shown the transcript of his conversation with Mr McVay on 25 September, 2016, number 7-1-3-4. If you read through that document Mr Izzard, you'll see on pages 3, 4,8 and 7 Mr McVay speaking of a DA or DA's. You'll see there, "We, we've got some DA's from council. We've actually got a DA for that whole top end." And further references to DA's later on in the document. You'll see there, "Well we're getting all the DA's out." What did that suggest to you?---Well it just – I think that meant that what Mr Kabite is telling me is that he believed that Mr McVay was managing the applications for the DA for the site. But I think Mr Kabite was a little bit confused in relation to he still needed a DA to operate his business, what I thought at least. I think he was of the opinion that Mr McVay was sorting out the DA for him to level the site.

40 If the witness could be taken to transcript of telephone conversation on 7 January, 2016, number 4-2-2-3, between he and Mr Kabite. Towards the foot of the page you say – you see near where the cursor, if the cursor could go up to the next section. And then you say, "I was crook and then me tech, me OPE, did my young bloke speak to you?" To what were you referring?---I couldn't understand it but I think he must have rang my other phone, I think. I don't know what the reference is to "You must have rang the other Craig." I think I might have been saying he must have rang the other phone.

"And then me tech, me OPE," could that be a reference to your business? ---Can you just go back up and I'll see the date, thanks?

7 January, 2016.---I wouldn't be able to say, no, sorry.

Do you think the reference to “the other Craig” might have been your other phone?---My other phone, that's right.

At page 998 of the transcript, Counsel Assisting took you to various instances when you concede that you lie to Mr Kabite. Why would you lie to Mr Kabite?---Just to, you know, get him away from me. Just to, you know, I don't really have an answer for that but just to, you know. I know  
10 that the Counsel has identified a number of calls and contact we had during the month. I didn't think it was that much. But in saying that, it became an issue with his contact.

Is that what you meant when you refer to him terrorising you?---Yeah, yeah.

Have you ever had any dealings with Antonio Barillaro?---Like I said, not that I know of, no.

Have you ever met Mr Barillaro?---Only the first time when he was here in  
20 the hearing.

And do you have any recollection of ever having had a telephone discussion or any other form of communication with Mr Barillaro?---Not that I recall, no.

Have you ever had any dealings with Ibrahim Beydoun?---No.

Have you ever met Mr Beydoun?---First time here at the hearing.

30 Have you ever had a telephone discussion or any other form of communication with Mr Beydoun?---Not that I know of but I may recall a conversation that was played in this hearing where I was the third person and trying to explain something. I think I recall that.

That would be the only time?---Yeah.

Were you ever paid by Mr Kabite or anyone else not to properly investigate any matter whilst you were employed as a WSRID investigation officer?  
---No.  
40

Did you ever solicit any corrupt payment from Mr Kabite or anyone else whilst you were employed as a WSRID investigation officer?---No.

Did you between 1 January, 2015 and 19 May, 2015 solicit a commission from Antonio Barillaro in exchange for not investigating allegations that he was involved in carrying out illegal landfill operations?---No.

Did you between 1 January, 2015 and 19 May, 2015 solicit a corrupt commission from Reuben Matthews in exchange for not investigating allegations that he was involved in carrying out illegal landfill operations?--  
-No.

Did you on a date prior to 8 December, 2015 solicit a commission from Ibrahim Beydoun in exchange for your visiting a property at 30 Bellfield Avenue, Rossmore to ensure that the occupant was leaving so that  
10 Mr Beydoun could then utilise the property as a waste transfer station?  
---No.

Did you between 1 November, 2015 and March, 2016 solicit a corrupt commission from Nosir Kabite in exchange for your not investigation if Mr Kabite was involved in carrying out illegal landfill operations?---No.

Overall how would you describe your interactions with Mr Kabite?---As a result of what's been identified at this inquiry I would say that in my position as a RID operator and especially more important as a co-ordinator,  
20 it was unprofessional. The relationship between and contact between Mr Kabite and myself should have been managed properly.

Would you perhaps concede slack and stupid but not corrupt?---I think lazy more but not corrupt for sure, yes.

Thank you, Commissioner. I have no further questions.

ASSISTANT COMMISSIONER: Yes, Mr Mack.

30 MR MACK: Commissioner, I have just one thing arising out of Mr Patterson's questions and then there's something I need to put to Mr Izzard which I neglected to put to him in my examination-in-chief so with leave I might put that.

ASSISTANT COMMISSIONER: All right. Well, I'll let other people cross-examine if they need to arising out of something new. Yes.

MR MACK: Mr Izzard, Mr Patterson just asked you questions in relation to your relationship with Mr Izzard and the word - - -  
40

ASSISTANT COMMISSIONER: Mr Kabite.

MR MACK: Sorry, I'll start again. Mr Patterson just asked you questions in relation to your relationship with Mr Kabite and you describe it as unprofessional but you also said it became an issue. Does that mean that at some stage it wasn't an issue and then later it became an issue?---I think, I think when he became – when he started the operations at Blacktown, at Bandon Road it sort of became an issue from there on.

From there on. And - - -?---An issue in relation to the contact.

You have used the word terrorise. When Blacktown and Bandon Road first started, is that when the terrorising commenced or did that happen later in the relationship?---Blacktown first initially stated – we started there at Blacktown in about March, 2015.

10 Yes.---And I think Bandon Road is not operational till October/November, 2015 so not till then.

So the terrorising started in October - - -?---October/November, yeah. I don't know if that's the right word but I know it's the word that I use but - - -

And then so that continued from October, 2015 up until a point this year. Is that correct?---That'd be right, yeah.

20 You accept that on 23 February – I can take you to it – you were asking Mr Kabite for a phone?---Yeah, I understand that. I, I certainly do understand. That's where the unprofessionalism comes in.

So it wasn't just on Mr Kabite's behalf it was also on your behalf as well, wasn't it, Mr Izzard?---That I was what?

Well that you were maintain this relationship notwithstanding that you were being terrorised by Mr Kabite?---It would appear, yes.

30 I need to take you to your compulsory examination and in relation, and take you some answers you gave to some specific questions in your compulsory examination. The first is at compulsory examination page 81, lines 10 to 22. And I ask that the suppression order be lifted in relation to that.

ASSISTANT COMMISSIONER: Yes. I lift the suppression order.

**SUPPRESSION ORDER LIFTED IN RELATION TO  
COMPULSORY EXAMINATION PAGE 81, LINES 10 TO 22**

40

MR MACK: This is in relation to 30 Bellfield, Rossmore. And you were asked - - -?---May I ask for it to be brought up here if I could?

It's not on your – you want it zoomed in?---Ah, sorry, yeah.

Can you read that Mr Izzard?---I can, thank you.

And at the top at about line 10 you can see that you're referring to Frank managing 30 Bellfield and you didn't do anything because he was managing it so you knew he was, he was already in there looking at the issue so we left it with him. And the question was put, "And did you not find out that until you went to the property?" And you say "Correct." And so the land owner told you that and then you say, "That Frank and the rangers had been there and been managing the situation?" "Correct". And then the question was put, "Do you know the name of the tenant?" "Sorry, don't know the person or name but the company the tenants of that property?" And you answer, "No, I'm just trying to think back it's a red bin, I remember there was a red bin at the back." And then the question is put. "Have you had any dealings with that company or that tenant?" And you answer "No". You see that?---I do, yes.

Do I take it from your evidence that the red bin was in relation to Cobra Bins and Mr Ykmour?---Now as a result of the hearing, yes.

And you have had dealings with that company and that tenant since that episode, haven't you, 30 Bellfield, because you went and saw Mr Ykmour?--  
20 -Yeah, I did, I did, for sure. But at the preliminary here there was only reference about Bellfield and when I'd gone to Hoxton Park at Cobra I couldn't see any names or anything on the bin, they were so far away, so that's why the link, there was no link to that so, but I can acknowledge that now, yes.

Okay. And I ask that the suppression order be lifted in lifted in relation to page 82 through to – line 0 to line 10.

30 ASSISTANT COMMISSIONER: Yes. I lift the order.

**SUPPRESSION ORDER LIFTED IN RELATION TO  
COMPULSORY EXAMINATION PAGE 82, LINES 0 TO 10**

MR MACK: And the question is put. "Did you ever take up with Frank or someone from the rangers about that issue?" And you say, "No." "And did you report back to", "Well, it's not report back it's too formal." "Did you let Nosir know that the matter was being dealt with?" And you answer was,  
40 "No. I never contacted him to let him know but I'm sure he would've spoken to me and you know what happened?" And I said, "Rangers are looking after it." You see that?---For sure, yes.

And do you recall me playing a phone call where you contacted Nosir immediately after being on site and told Nosir precisely what had happened?---I do, yes.

So that's inconsistent with the evidence you gave at the compulsory examination?---On 20 July, yes, 100 per cent. But you know I was just outlining what I'd done there at the property in the compulsory. It was not me not disclosing what I knew about it.

All right. There's one other passage where I'll take you in your compulsory examination and I ask that the suppression order be lifted from page 89, line 30 through to page 90, line 20?

10 ASSISTANT COMMISSIONER: Yes, I lift it.

**SUPPRESSION ORDER LIFTED IN RELATION TO  
COMPULSORY EXAMINATION PAGE 89, LINE 30 TO PAGE 90,  
LINE 20**

THE WITNESS: Line what, sorry?

20 MR MACK: It starts at about line 30 and the question was put, "Mr Izzard, I have some more questions concerning your financial position, but just to go back before then to an issue about the evidence you gave about a property at Rossmore and just is it your evidence that you received a complaint information from Nosir to attend the property at Rossmore and you did so with Mr Ryffel but you had a conversation with the owner of the property who informed you that Liverpool Council or some rangers were dealing with the issues of a property. And then you left the property and had no further dealings with that property." And your answer is, "Correct."--Do you see that?---Yes.

30 And then the next question is, "Is that right?" "Yes." And then the next question, "So you had no further dealings with the owner, the old gentleman you met there." Answer, "Yes." "And you had no further dealings with the tenants or the prospect of tenants at that property?" "Correct." "Okay. Did you receive information directly from any person including Nosir about what happened at that property after that?" Your answer is, "No." And then finally, "Okay, did you ever take up with Nosir at all about what happened to that property?" "No." Do you accept that those answers given to those questions are inconsistent with the evidence that has come out in  
40 this inquiry?---Yeah, but it's not done on, on purpose. It was just me again getting my account of what happened when I went to Rossmore.

Well when you say, when you answered, "You had no further dealings with the owner, the old gentleman you met there?" And you answered, "Yes." You in fact had two - - -?---I had five conversations with him.

Two?---Yeah, for sure.

You would have known that at the time of this compulsory examination?---  
Well again I don't, I don't know whether I could (not transcribable) but  
certainly I wasn't hiding anything back then if - in relation to this matter.  
I've got no cause to.

Commissioner, they are the questions I have for this witness. I ask that he  
be excused, unless Mr Patterson has - - -

ASSISTANT COMMISSIONER: Mr Patterson - - -

10

MR PATTERSON: Just arising from that Commissioner, could I ask you  
this Mr Izzard, the answers that you gave at the public, the private  
examination were they then given to the best of your recollection at that  
time?---Yes, correct.

Commissioner, is there any reason why the suppression order in relation to  
the whole of the evidence given at that examination should not be lifted?

ASSISTANT COMMISSIONER: It's generally not policy. Is there  
20 something that you want out of it Mr Patterson?

MR PATTERSON: Well I don't know what's in it, Commissioner. It may  
assist me in final submissions. I just don't know. Now that the evidence of  
this inquiry has been completed it would seem to me that there would be no  
policy reason for further suppression of that other material. But it's a matter  
for yourself and for Counsel Assisting.

ASSISTANT COMMISSIONER: Mr Mack?

30 MR MACK: Commissioner, in terms of findings and submissions I won't  
be submitting or any findings we made in relation to any evidence that  
hasn't been tendered or read on to the record in this inquiry. And I'd have  
to seek instructions on the balance of the compulsory examination. But as  
you've indicated it's not the usual practice and there's a multitude of  
reasons why it might not be released.

ASSISTANT COMMISSIONER: Yes. Mr Patterson were you just, you  
were just after the compulsory examination of - in respect of Mr Izzard.

40 MR PATTERSON: Mr Izzard, yes.

MR MACK: I'm instructed that that shouldn't be a problem just in terms of  
practicality and in terms of making - if Mr Patterson wants to make  
submissions on something in the CE that, the compulsory examination that  
hasn't been made public in this inquiry that will cause difficulties. It's just a  
question of utility, I'm instructed we can MFI it and have it placed on the  
restricted website.

ASSISTANT COMMISSIONER: Yes. Well if Mr Patterson would be more comfortable with that, I can understand why he might want to just reassure himself about what's in it. So we'll MFI it and place it on the restricted list to allow you access to it then, Mr Patterson.

**#MFI 5 – OPERATION SCANIA COMPULSORY EXAMINATION  
TRANSCRIPT OF CRAIG IZZARD DATED 20 JULY 2016**

10

MR PATTERSON: I'm obliged, Commissioner. Thank you.

MR MACK: Commissioner, they are the questions I have for - - -

ASSISTANT COMMISSIONER: Yes, thanks, Mr Izzard.---Thankyou.

You can step down. You're excused.

20

**THE WITNESS EXCUSED**

**[3.50pm]**

MR MACK: Commissioner, there's a number of housekeeping matters. The first one is in relation to the development application for Riverstone Parade. You'll recall it was marked for identification before. In my submission it should go into evidence. I've got a more complete version of that document now. The document makes reference to a number of annexures which are contained in the development application, with the exception of a few reports. But it goes to the chronology and when certain works were approved, and it might help tie in some conversations around – it will give context to what Mr McVay is saying in his conversation to Mr Izzard and it will also - - -

30

ASSISTANT COMMISSIONER: I think Mr Patterson and I had a problem about the address.

40

MR MACK: I can indicate that the address, the Lot 221 DP 8-3-0-5-0-5, that's the same lot and DP number that appears in the surveyor's report or in the environmental assessment in volume 16. There's also extensive mapping material that's provided in the version of the document I've got now, which makes it quite clear what the application is in relation to.

ASSISTANT COMMISSIONER: Okay. Well, once that's been sorted out, that's removed my issue with it. Mr Patterson?

MR PATTERSON: I'm content with what Counsel Assisting has said.

ASSISTANT COMMISSIONER: Okay. Then it will be Exhibit 36.

**#EXHIBIT S36 – BLACKTOWN CITY COUNCIL NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION FOR LOT 211 DP830505 GARFIELD ROAD WEST RIVERSTONE WITH ATTACHMENTS**

10 MR MACK: There's also MFI3, which are CCR records. I ask that that be tendered into evidence.

ASSISTANT COMMISSIONER: Sorry, which records are they?

MR MACK: CCR records. Call charge records of 10 March, which are currently MFI3, showing calls into and out of Mr Cannuli's phone.

ASSISTANT COMMISSIONER: Okay.

20 MR MACK: I ask that that be tendered.

ASSISTANT COMMISSIONER: Mr Taylor, any problem.

MR TAYLOR: Only I'd seek a redaction in relation to Mr Cannuli's telephone number.

MR MACK: Telephone number? That's - - -

30 ASSISTANT COMMISSIONER: Yes, well, I grant the redaction in terms of that.

MR TAYLOR: Thank you, Commissioner.

ASSISTANT COMMISSIONER: But otherwise MFI3 can become Exhibit 37.

**#EXHIBIT S37 – CALL CHARGE RECORDS OF 10 MARCH 2015 (PREVIOUSLY MFI 3)**

40 MR MACK: Commissioner, that leaves the issue of the corruption prevention material, the additional corruption prevention material, which was made available on the restricted website last night. There are some issues with that material, and people haven't had enough time to get instructions on some of that material. However, I ask that it be tendered subject to redactions and omissions, and if there's any large issue we can sort that out at a later time if redactions can't be agreed between the parties or omissions can't be agreed between the parties.

ASSISTANT COMMISSIONER: Okay. Any problem with taking that approach towards that? So Exhibit 38 with leave for people to, well, discuss it amongst yourselves, reach any agreements about redactions or omissions and problems, and if needs be they can be sorted out at a later stage.

**#EXHIBIT S38 – CORRUPTION PREVENTION FOLDER**

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MR MACK: Commissioner, I'm informed that Mr McElwain, who was the first witness in this inquiry, was stood down and I ask that he formally be excused.

ASSISTANT COMMISSIONER: Yes, I'll excuse him.

**THE WITNESS EXCUSED**

**[3.53pm]**

20

MR MACK: That leaves the final issue of submissions. I propose to have my submissions available publicly by Friday, 14 October, 2016. Which is four weeks from today plus three days to the end of the week. And then - - -

MR PATTERSON: 15 October?

30

MR MACK: 14 October, which is a Friday. And then any submissions in reply four weeks from that date which is 11 November, 2016. But I'm in the Commission's hands if there's a more suitable timetable for both of those sets of submissions.

ASSISTANT COMMISSIONER: I'm just think that my appointment is for a limited term and it expires on 6 or 7 or 8 December and I think – I can't remember precisely but it's very early December.

MR MACK: My main concern in the timetable was to give myself four weeks to do it.

40

ASSISTANT COMMISSIONER: I had guessed that, Mr Mack.

MR MACK: And then out of fairness I was giving four weeks to other people to reply.

ASSISTANT COMMISSIONER: Can you do it in three weeks?

MR MACK: Commissioner, perhaps if it's four weeks from the Tuesday so I've got the weekend of – I'll just get the date, Commissioner. Instead of 11 October which is – instead of Friday, 14 October if I undertake to have

them available on Monday, 10 October and then three weeks from that date for submissions in reply which would be 31 October which brings the whole timetable forward two weeks.

ASSISTANT COMMISSIONER: Yes.

MR MACK: Is that acceptable?

10 ASSISTANT COMMISSIONER: It should be doable on that basis I think.

MR MACK: It just gives myself the weekend of 8 and 9 to sort out any issues in relation to them.

ASSISTANT COMMISSIONER: Okay. Mr Patterson?

MR PATTERSON: Commissioner, I can indicate that I will be overseas in the first month – sorry, in the first week of November so as far as I'm concerned it will have to be done by 31 October.

20 ASSISTANT COMMISSIONER: Right. Okay. Yes, and I'm overseas for a period of time from I think 6 October through to 1 November. Yes, well, I think that's all workable so Counsel Assisting submissions by 10 October. Mr Dunne?

MR DUNNE: That's suitable.

ASSISTANT COMMISSIONER: Suitable for you for 31 October?

30 MR DUNNE: Yes, thank you, Commissioner.

ASSISTANT COMMISSIONER: Mr Fraser?

MR FRASER: Yes, Commissioner.

MS GAVIN: I don't have Mr Rushton's available dates, Commissioner, but I think that should be appropriate.

ASSISTANT COMMISSIONER: All right. Thank you. Mr Taylor?

40 MR TAYLOR: I certainly have no difficulty with that, Commissioner.

ASSISTANT COMMISSIONER: Okay. All right. Well, I'll make those orders then. Counsel Assisting's submissions by 10 October and the submission in reply by 31 October.

MR MACK: Commissioner, I've just been reminded that the submissions remain suppressed and they'll be distributed to interested parties. I might have used the word public a bit too zealously.

ASSISTANT COMMISSIONER: Yes. Everybody should understand that the submissions are suppressed so that there's no publicity about any of the matters being considered until such day as findings are made. On that note, I thank you all for your assistance and I'll adjourn the inquiry.

**AT 3.58PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[3.58PM]**

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