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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 24 AUGUST, 2016

AT 2.00PM

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

ASSISTANT COMMISSIONER: Mr Ryan, you're still on the same oath you took earlier?---Thank you.

<BARRY RYAN, on former oath

[2.01pm]

ASSISTANT COMMISSIONER: Yes, Mr Mack.

10 MR MACK: Mr Ryan, you recall giving some evidence before the lunch break in relation to how you learned about Liverpool City Council wanting to regain control over a few matters from the Western Sydney RID the second time?---Yes.

And you recall that you first learned about that through Mr Izzard?---I believe so, yes.

20 What was Mr Izzard's role in relation to Liverpool City Council after, after they, Liverpool City Council regained control?---He was to perform the functions of an investigator in that area, local government area and I would say excluding the landfills that Liverpool Council were then looking after.

And you later reassigned Mr Izzard to Blacktown Council. That's correct? ---That's correct.

And was there previously somebody in that role, an investigator for Blacktown City Council?---No, no there wasn't.

30 And why was that?---Blacktown Council had joined the squad so we actually – yeah, we appointed another investigator, another investigator because from six councils we became seven councils, so we needed another investigator.

40 And did you reassign somebody to the remaining matters at Liverpool City Council?---Yes. So what I did, I took the opportunity to change staff and rotate staff at that time. I re-rotated three staff including myself that once I appoint an additional officer, so it goes from six to seven officers so then we have seven councils. The newly appointed officer I put into an area which, all matters can be difficult, but perhaps was more established the relations with the councils were more established and the issues of illegal dumping we knew about and we could support that. We were unsure about Blacktown so we wanted somebody that had a role, sorry wrong word, had some experience in illegal dumping in rural areas.

And who was your main contact in Blacktown Council?---Alex Radonovic.

Yes. All right. And was the understanding between you and Alex Radonovic that he would refer to you matters in relation to Blacktown and

you would refer them on to Mr Izzard?---No. He would refer them directly to Mr Izzard. Most of them, well in fact all of the councils worked that way. They worked in close as I wanted to be cooperation with the council and the staff.

And did you know the nature of the needs of Blacktown City Council in relation to illegal dumping?---In the start we had some certainly discussions about the needs and predominately I understand from what I recall those discussions were not in residential areas per se, they had their own officers  
10 looking after that, it was more illegal dumping or from waste random dumping in the rural areas and or industrial areas be that larger scale or smaller scale. It's what he knew from the outset.

So larger scale or smaller scale dumping?---Yeah, yeah, from small – here's your small bag of rubbish and small up to a couple of tonnes. We also knew though that they did have some issues with larger – well, there was one landfill that they had just closed down and they – we, we said, yeah, well, we'll keep an eye on and make sure it doesn't reoperate which it didn't. So we knew they had some issues with illegal landfills is what I'm saying.  
20

All right. And did they want the Western Sydney RID Squad to look into those issues?---Not that I know of, no.

All right.---No, not at that time there was nothing specifically identified for us.

And you're aware that when Mr Izzard was reassigned to Blacktown City Council, the Liverpool City Council then assigned rangers to various matters that were up until that point in Mr Izzard's control?---I believe  
30 that's true. I can't verify that though.

And are you aware that Liverpool City Council requested documents from Mr Izzard in relation to up to nine properties that he was in control of at the Western Sydney RID Squad?---I do recall Craig saying that Liverpool Council are going to again take back the cases and that he would hand them over and he was to arrange for that.

And you're aware that a – are you aware that a local council officer from Liverpool went to the Western Sydney RID offices in Penrith and obtained files from Mr Izzard?---No.  
40

No. Are you aware – so you would be - - -?---It would have been St Marys not Penrith. We don't operate in Penrith.

All right.---But that's semantics but I don't know specifically when and where they did that.

All right. Well, would it surprise you that Liverpool City Council officers went to the Western Sydney RID Squad office, requested documents from Mr Izzard, obtained those documents and then there was nothing within the file structure. Does that surprise you?---Yes.

It does?---Yes. If that was a matter that was to be investigated by one of our officers and there was investigations carried out and they were given the time and the opportunity to do that, yes, I would expect notes, photographs.

10 All right.---Notices perhaps.

And if there wasn't any information within a file that Mr Izzard was in charge of when would that come to your attention as co-ordinator?---Well, if I did an audit of that case.

Yes.---Or if in this case you're saying the council informed me of it.

20 Yes. All right. But there was no – you had no system for ensuring that the files that were allocated to Mr Izzard from Liverpool City Council contained information. Is that correct?---The files that were given to Mr Izzard - - -

Yes.--- - - - contained information, is that what you said?

No, the files that Mr Izzard kept in relation to matters within Liverpool - - - ?---Oh.

- - - City Council. You had no system for checking what information Mr Izzard had?---I did not check every file.

30 Did you check any files?---Yes.

How often in relation to Mr Izzard and Liverpool City Council?---Oh, I cannot recall.

All right. Was it very often?---No, it would not have been. It may have been random cases throughout the year of all staff.

40 All right. I want to drill down into some specific properties that were assigned to Mr Izzard from the Liverpool City Council that were taken back later.---Right.

Are you familiar with a property at 405 Willowdene Avenue?---I am now following discussions with this investigation and I was to some degree privy to, yes.

All right. Well, I'll ask that you be shown a photo from volume 15, page 31. It's – just one second. It'll appear on the - - -.---Oh, that's all right.

And you'll see the bottom photo there is in relation – you can see the 405.  
---Yes. Yes.

Do you recognise that property?---Not by that photograph.

10 All right. Well, I'll go to another photograph. Volume 15, page 7. No, sorry. All right. This is from volume 18, page 28. It's an aerial photograph and you can see the dam on the left hand side. Do you recognise that property?---Yes, I know where that property is in Willowdene. I have driven past it on several occasions.

And is that, to your understanding 405 Willowdene Avenue? And I should be more particular?---Yeah.

You said two red shed, two red roofs there?---Yes.

And then a house at the front of that?---Yes.

20 A long driveway leading out to Willowdene Avenue?---Yeah. I don't know the house numbers in Willowdene Avenue, but I do know that property. I do know you're referring to either that property or the one next to it when I was on site nearby with Craig and I do know of some illegal dumping issues on that property that you're talking about with the green dot.

On 405 or on the (not transcribable) at 305?---Yes, 405 yeah, sorry, where that green dot, does that say 405?

Yes, yes?---Yes, then yes.

30 And the neighbouring property are you familiar with issues on that property?---Possibly. Now I just say, because they were both very close to each other. I'm pretty comfortable that there were issues on both properties.

And you say you've been there before. Is that correct?---I've been past it, yeah.

With Mr Izzard?---No.

40 No?---No. I'm in operation, I went to the end of this road when I passed it plus I had known another officer go to it was either of those two properties about a week before me going on to the property so I just made myself familiar with the case.

And to your knowledge when Mr Izzard had control of matters from Liverpool City Council do you know if 405 Willowdene was assigned to him?---I don't know.

Are you aware that the owner of 405 Willowdene Avenue pleaded guilty to an offence relating to the dumping of over 100 trucks of waste in relation to 405 Willowdene Avenue?---Reading the transcripts in this proceedings, yes.

That was the first you learnt of it?---Yes.

And you're aware that the dumping contained asbestos?---From the transcripts, yes.

10 And you mentioned in your statement at paragraph 79, which I don't need to take you to, but or perhaps I do need to take you there. In your statement at paragraph 79 you mention an asbestos dump at the Vineyard site?---Yes, that's correct.

You say that, sorry, at paragraph 79 you're aware of, you're unaware of complaints of illegal landfill activities occurring on Bandon Road, but you were aware of an asbestos dump near Vineyard railway station?---That's correct.

20 What do you, what's the distinction between illegal landfill activity and asbestos dump?---Oh well this dump was in the middle of the road and sheets of asbestos.

All right. All right. And if I could just ask you to be shown a picture of Bandon Road, volume 18, page 42. You might just go from my account that it says Bandon Road in the top left diagonal?---Yes.

30 Down the right at Riverstone Parade. Are you familiar with this property having seen this picture?---No, I'm not. Not prior to this, I've looked on Google Maps recently so I must say familiar now but not prior to these proceedings.

Would you consider it appropriate for any of the investigators that reported to you to assist somebody they were investigating in relation to a Development Application?---If I could say other than to refer them to the council - - -

40 Right?--- - - - to get good advice, in that way assistance, but other than that I can't, no that's not appropriate, if I can answer it that way.

All right. I think I'm correct in recalling that Ms Chalk gave evidence of receiving timesheets from you and certain records from you to Penrith City Council. Is that correct?---That's correct.

And would you also recall time in lieu for investigators?---Time in lieu. We may have worked time in lieu, yes, additionally.

And would have you made records of those?---Yes, either that or if it was for example the, the officer worked two hours after work, I've got an operational barrier or before work, yeah, communication, let's discuss what he did, yep, and then we could have that time off on the following day and I would expect them to make a diary note of that.

All right. But you didn't keep any records of this?---I didn't keep any straight records of that, no.

10 All right. And in relation to investigators that had secondary employment or did any of the investigators to your knowledge have secondary employment?---Not to my knowledge.

All right. But if they did would have you recorded it?---I wouldn't have recorded it, no.

Who would have recorded it?---Sorry?

20 Who would have recorded it if you didn't?---Oh, well, the officer certainly should have recorded that.

Yes.---They're required to complete a pecuniary interest report every year.

Yes.---Which identifies as I understand it secondary work that may conflict with their role.

30 Yes.---So as I understand it not all secondary work would conflict with your role so that's my understanding of the legislation. So they wouldn't have reported it if it wasn't going to conflict.

All right.---But they should have put that on a – declared it either on the pecuniary interest form and probably also talked to our governance officer about that and get clarified if there was any perceived conflict.

All right. And just in relation to the time in lieu issue, you gave an example of working two hours extra one day and then maybe having two hours off the following day.---Correct.

40 Was there any – are you aware of any investigator having time in lieu accrued beyond a day-to-day (not transcribable) - - -?---No. No, no. It was, it was really – because sometimes our operations needed to be quite dynamic. Yeah, we've got a dumper that's occurring that afternoon. Some of the staff said, yeah, I'll stay back. I don't need overtime but do you mind the next day I'll come into work later or something like that.

All right.---Yeah. And that arrangement was made with myself.

No further questions for this witness.

ASSISTANT COMMISSIONER: Yes. Thank you. Yes, who wants to ask some questions?

MR RUSHTON: Just a few, Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Rushton.

10 MR RUSHTON: Sir, I appear for the Environment Protection Authority. In your experience is one of the common forms of waste which is illegally dumped demolition material containing asbestos?---I only hesitate because common – how common is common, and I don't mean to be disparaging. It is dumped and it is dumped quite frequently if I could say.

20 Is it an important part of the duties of a RID officer to identify that material that is asbestos?---Well, identification is quite an interesting questions because it's very difficult if not impossible to identify asbestos unless it's taken to a laboratory which the officer – but it is important that the officer receive some training on where that – if I could say that material there is likely to be asbestos and if it is likely to be asbestos then they should take the appropriate action.

Whilst you were in your role as co-ordinator what training was given to the RID officers to carry out that task?---Sure. We had some training called – it's been presented at the court here before, bonded asbestos removal, which I attended that course and which some small pieces of asbestos were shown plus also I do recall typical in a training program PowerPoint slides of what type of material could be but as we know asbestos can take many forms.

30 And who presented that material, that is, the slides and - - -?---That was from the training (not transcribable) group that the certificate was presented earlier to the court so I'd have to refer to that certificate.

40 And what other forms of training did these officers get, do you know?--- Nothing formal per se, as I say. They certainly got training and instructions on work health and safety training. I was reluctant to provide photographs of what is asbestos and what is not, because it is very difficult to tell from a photograph. I recall in probably 2014 or maybe 2015, given that ambiguity of asbestos, staff were directed to treat all fibro light material as asbestos.

All right. Yes, thank you.

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Fraser.

MR FRASER: My name is Fraser. I am counsel for the Penrith City Council. Mr Ryan, in your statement, volume 15, page 241, at paragraph 3, you set your current position as being coordinator of the Bankstown City

Council, sorry, employed by Bankstown City Council as coordinator of the Sydney RID Squad, correct?---That's correct.

And you said before there's presently 12 officers and now, by amalgamation, 11 councils approximately subject to (not transcribable) yet?---Correct.

10 Now, paragraph 7, you refer to an operational area of responsibility. You have no operational area of responsibility. Just so it's clear, that means that you don't do any investigations, reporting investigations, collecting of evidence and the like? Or do you occasionally go and help?---No, I occasionally will support officers where required on periods of leave. I will occasionally, if I, for example, see something occurring, I will take action on that matter immediately. But I do not have a day-to-day contact or operational role, as I'd like to say, to look after a specific area.

20 And importantly, and as a material distinction between your previous role at Western Regional RID Squad, that job principally, really, you had a council to report to and you are also coordinator?---That's correct.

In that order of priority, in a way, because of the practical realities of it. Quite apart from what the documents say, in reality that's what you are faced with?---Probably, reality, so, balanced. I like to say I try to keep the balance.

30 Now, let me test the idea (not transcribable) without saying it to you by saying this, would you have taken the position with the Sydney RID Squad if it didn't have that emphasis on being coordinator first and an assistant investigator second?---Could you repeat the question, please?

Would you have taken the position on the Sydney RID Squad if the (not transcribable) was exactly as it was in Western RID Squad?---Supervising 12 staff would have been extremely difficult, as it was previously. I'd have to say that wasn't one of the primary factors why I applied for the job. But, yeah, I think the workload would have just been over the top and I just couldn't.

40 Now, can put your hindsight hat on because that's how we improve systems, by doing that. Looking back, do you see problems for management of RID Squads where there isn't a person with the job like you've got now for Sydney RID Squad?---Look, in hindsight, or if I could say moving forward rather than going backwards, moving forward, the position I'm in now, where I don't have an area, I am able to, without notice to staff, drive into an area, call up, "Where are we? I'm in the area." I'll have a look. Call them up, are they in the area. You know, basically interview staff there in the field. It's much better. I'm able to audit more files. I'm able to do checks. I'm able to do diary log checks.

All right. Within the Sydney RID squad do matters come directly from councils to RID squad officers not through you?---Correct. We have a slightly different system though, perhaps improved where the councils will refer the matters to a general inbox, if you like. We've got a general email inbox. They're referred there and the officers responsible for that area will extract them and then act on them. So that way there is a record of the job coming in. I haven't done it yet, but part of my process of the audit will be the jobs coming in, it's logged and, and the whole process if you like.

10 And that's only been going for a short while I take it from what you've just said. What is that short period?---Well I has been going since I started, which – so it was a practice that they employed. But I've been there from November last year.

And have you noticed any exceptions to that in the time you've been there? Any exceptions where someone's failed to go through that centralised email system?---Yes unfortunately. Human nature is that they have a contact and they have a contact person that the officer builds a rapport with, so they will send it immediately to them. It's a matter of reinforcing and, yeah, making  
20 sure that that is maintained. Not all jobs are placed on there. Officers can get a phone call of a job, with themselves drive past themselves.

And then what's the procedure thereafter or them registering that in some way?---Well they would then register that on RID online as a task.

Right. O.K. Now before you were the coordinator for Western Sydney RID squad - - -?---Yes.

- - - you had the position which Tracy Chalk now occupies. Is that right?  
30 ---That's correct.

And you occupied that position when the Western RID squad commenced in 2000?---Not quite. I believe the Western RID squad commenced in 1999 or 2000. I was employed by Penrith Council commencing in January, 2000. I became the manager of that department in or around 2003, as a (not transcribable) I guess. Approximately one year later after my position the RID squad management was transferred from another department to my department.

40 In 2003 roughly?---Roughly yes, it could have been 4 or 5, but, yes.

Okay. And there was then a coordinator of the RID squad in 2003?  
---Correct.

Right. And you established a working relationship with that person?---Yes, as in I'm his, I'm his supervisor, yes.

And you are pretty much aware of what the obligations and tasks - - -?

---Yes.

- - - in your way were when you decided that you'd accept that position yourself later on?---Yes. Yes.

Was there any material change in the way that you reported back to Ms Chalk to the way which that officer reported back to you?---I could only say more regular meetings.

10 Otherwise the nature of the reports - - -?---A phone call, email.

Right?---Coordinator's reports, yes.

MR MACK: Can I just clarify something, when you say more regular meetings was that when you were in the role as coordinator or - - -?---As manager.

As manager. Thank you. So you had more regular meetings when you were manager than you did with Ms Chalk had with you?---With  
20 coordinator, yeah.

Okay.

MR FRASER: Other than that Ms Chalk conducted the position that you formerly conducted much the same way in terms of a working relationship with the coordinator of the Western RID squad?---That's correct.

All right. Have you organised the Sydney RID squad under your say  
30 command, for want of a better word, in any particular way with a, an eye to anti-corruption?---Not personally myself because I have worked on that with my manager, who is a dedicated manager for the Sydney RID squad. So he's, if you like, 100 percent allocated to the city RID squad. So we have, well from early days required daily diaries, a daily diary, checks as I said, viewed logs. I do a, I did a six monthly, for want of a better word, anti-corruption report to the manager of what I had done over that period of time to minimise risks, if I may say. He, as in the manager has developed an anti-corruption policy, if you could, if I may, I that that's the word and he has sat down with all officers making it very clear about the policy and their responsibilities.

40

And in your statement you've made a couple of suggestions as to how things might be improved, have you not? Or you've made some criticisms?---Yes, I did.

Perhaps I'm mistaken there. Don't worry about that for now, then. Having been through the experience you've had, and let me put it to you squarely, not critically, just as a matter of fact, whilst you were coordinator of

Western Sydney RID Squad, things happened which you didn't hear about which are now subject of this inquiry, correct?---As a question, yes.

Yes. Now, is there anything, with the experience you've now gained, you know, the wonderful thing called hindsight, but using that proactively and practically, do you have any suggestions that you have to make to the Commissioner?

10 MR MACK: I object, Commissioner. It's a bit premature that that question entails a particular finding in relation to the matters that are under investigation. And he can't possibly express - - -

ASSISTANT COMMISSIONER: Yes, yes. I think that's a matter that's left for the inquiry, Mr Fraser.

MR FRASER: By all means, I accept that, Commissioner. Do the coordinators of the various RID Squads around Sydney, or New South Wales, meet?---We've just started to commence that. So, yes, we do. It's organised by the EPA.

20

Have you been to one of those meetings as yet?---Yes.

And how many RID Squads were present at that?---There is, sorry, there was, apologise for the delay, there were four coordinators present out of the five.

And are you sufficiently familiar with all of them as yet to be able to answer this question, are they structured the same way, whereby there's a host council and a RID Squad? Or are they structured differently?---Yeah, they're different, quite different.

30

Can you state just briefly what that difference is?---Certainly. To the best of my knowledge, the Western RID Squad and the Sydney RID Squad have a host council. The Hunter RID Squad and the staff are employed by that host council. The Hunter - - -

The Hunter RID Squad?---Hunter RID Squad, which is your Newcastle, Wyong, Gosford area.

40 Well, Gosford-Wyong's merged to one council - - -.---That's correct. - - - called Central Coast.---Yes.

There's Newcastle City Council.---They call it the Hunter RID Squad.

Right.---Okay? So as I'm saying, the Hunter RID Squad in respect to Western Sydney, the Hunter RID Squad, which covers, I'm not exactly sure how many councils in that area.

Ah hmm.---They employ, the councils employ a dedicated officer themselves with funding from the EPA, I understand. The council officers -  
- -

I'll just pause you there. They employ an officer themselves who is seconded to the RID Squad, then - - -?---No.

- - - by the individual council?---No. They are employed just as a ranger would be employed by, if I could take one council, Gosford Council, will  
10 have a Regional Illegal Dumping Squad officer employed by them, I believe co-funded by the EPA. The team of officers is coordinated by an officer that is employed by Lake Macquarie Council. So he has a coordination role of operations but not a direct supervision role. The Southern RID Squad group, which goes or is from Wollongong to Bega, and I think possibly (not transcribable) have the same set-up, where the council employs an officer to act as an illegal dumping officer within their own council, again jointly funded, and they also have a coordinator. There is also another program in -  
- -

20 So they have a coordinator in the same way that the - - -?---Similar, yes.

The Hunter Group?---That coordinator, the Southern Group is non-operational though. So he only works a couple of days, a couple of days a week. So really to help facilitate - - -

ASSISTANT COMMISSIONER: Mr Fraser, can I just interrupt. All this is very interesting but what's it got to with the inquiry?

MR FRASER: Only in relation to - - -

30 ASSISTANT COMMISSIONER: Alternatives?

MR FRASER: Alternatives and you know what changes might recommended by, by you. But it is somewhat peripheral to that and if it's not helpful to you (not transcribable).

ASSISTANT COMMISSIONER: Yeah. I don't think it's helpful, Mr Fraser.

40 MR FRASER: Mr Ryan, in paragraph 57 of your statement you say you carry out a random review or you carry out random reviews?---Correct.

The case files what did that involve doing?---I would look at the case files I explained earlier. The officers were required to create a case file where if they got as I explained in our operations drive, I would look at that. I would look at the notes, I would look at any notices within there. I would then also refer to the database and basically review the notes and the photographs and the procedures that were taken in both the case file and the - on the

database. If there were any discrepancies that I noted I would talk to the officer and ensure that they were corrected or give advice to how that could be addressed in the future.

Was the random review directed in any way at anticorruption protection or corruption detection?---Not specifically in my mind, however, several things that I did without specifically would have had that benefit. That random patrols varies that I had and also calling officers without notice.

- 10 I've lost the paragraph number but in one of your paragraphs you mentioned having a conversation with an officer of – let me just find the paragraph. Excuse me for a moment, please. Yes, thank you. Yes, paragraph 62 has your statement. You talk about a conversation you had with Mr Britten in relation to the State Records Management Act?---Correct.

And you say you've requested an audit previously, so that's in the next paragraph I think. Had you, let me ask you this. Had you asked for audits previously from Mr Britten or anybody else?---Yes. Other people.

- 20 Had you done that in writing?---No.

And doing it in writing would be the proper way to request such a thing would it not?---Well I'll correct there. It was in writing. It was actually a recommendation of an RMS audit which I agreed to.

- 30 Sorry?---Yes, I'll explain that. I had spoken to, to supervisors previously but no, that wasn't documented. An audit I recall, I don't know which year but RMS, Roads and Maritime Service, were audited internally as I see Ms Chalk mentioned. And externally by RMS as they choose. In one of those audits it was a recommendation of the auditor that whilst outside the parameters of the reasons for RMS that he recommended that there be a review of the record keeping to ensure compliance with the State Records Act.

Not for the purpose of anticorruption?---I can't say – I think it has, I think it has dual roles if not several roles. One, it's assisting me to ensure that staff are maintaining records and completing records properly and secondly, that it may bring something through that is corrupt behaviour.

- 40 Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Mr Patterson?

MR PATTERSON: Thank you, Commissioner. Mr Ryan, my name is Patterson. I represent Mr Izzard. Earlier in your evidence you made reference to Greendale Road. To your knowledge did Mr Izzard have any connection with that property?---Yes. Yes.

And what was that?---I went there on at least one occasion with Mr Izzard and with other staff. Mr Izzard I think also assisted with surveillance of the area. Yeah, I can confidently say that. Mr Izzard went onto the site with another officer I recall Andrew Bowles when there was an illegal truck coming on with suspected illegal waste.

10 And that was a matter that was resolved satisfactorily?---The person had a fine. The landfill wasn't removed but that's -- I think that's with -- that was referred to the EPA for that, for that outcome.

Thank you. Counsel Assisting asked you some questions about after Liverpool City Council took back responsibility for landfill the second time and some records were handed over by Mr Izzard which it is said contained little if any data. Did you receive any contact from anybody at Liverpool City Council in relation to that matter?---No. I think I previously said no. I believe I have.

20 So there were no issues raised or complaints made by anybody at Liverpool City Council about the apparent lack of data on those records?---I don't recall. I don't recall receiving any so the answer is (not transcribable) no.

Thank you. You were asked questions about secondary employment. Are you aware that Mr Izzard had approval for secondary employment but not within the Penrith area?---No. No, I don't get to see the pecuniary interest forms and the like.

30 So it's not a matter that comes within your notice at all?---Well, it would be good to know of that I think if an officer does have secondary employment so you can also monitor their workload. If they're working outside of the area as you say but it's a nightshift somewhere well, that's a concern to me.

So assuming that Mr Izzard did have approval for secondary employment that's not something that was brought to your notice?---No.

No.---I don't recall.

40 All right. Now, if you could just turn to paragraph 45 of your statement in which you say there is no requirement for the member council area to report all illegal landfill or dumping matters to Western Sydney RID Squad. Are you able to say why there is no such requirement?---Oh, because I was asked a question is there a requirement and that's -- so I just, I just responded to a question is there a requirement. No, there's no requirement.

Well, do you know why there is no requirement?---Well, to me a requirement would be perhaps a legislative requirement or perhaps within the RID Squad co-operative agreement and there's not.

And in your professional opinion would it be of assistance if there was such a requirement?---Yes, I believe it would.

Thank you. Now if you could turn to paragraph 56 of your statement in which you say that Western Sydney RID Squad does not maintain or keep a register of informants within the office but a case file would be created with the information being provided.---That's correct.

10 Do you know why no informants register is kept?---I don't have a police background and we have many informants during the year. Now, to me, an informant is somebody providing information, I didn't see the need for an informant's register given the vast number of people that provide us with information.

Do you have an opinion as to whether or not such a register would be of assistance?---It would be of assistance if it was managed properly as in electronic, be able to search and be able to be kept secure so that informants names were not distributed.

20 So security and privacy issues would be of great importance in the management of such a register?---Very high, correct.

All right. Thank you. If you could turn to paragraph 57 of your statement Mr Fraser asked you some questions about that.---Yes.

You conducted random reviews of case files of officers and I take it, that includes files of Mr Izzard, correct?---That's correct, that's correct.

30 Did you identify any adverse issues in relation to Mr Izzard's files when you were conducting those reviews?---I think with all the officers I picked up, if you like, some anomalies that some particular note keeping - and I'm going by recollection here - but if I could say nothing significant.

Nothing that you'd call a sacking offence?---No.

If you could turn to paragraph 59 of your statement.---Yes.

40 Again, in randomly reviewing the case files that would have included Mr Izzard's?---Yes, that's correct.

And again, no issue arose?---No, as you would say, would result in a sackable offence.

And again, paragraph 60, you speak of cases being audited by Penrith Council's internal auditor each year, again, to you knowledge, did any issues arise from that internal audit that were adverse to Mr Izzard?---Other than, as I call it, minor administrative issues because the access is very difficult.

Thank you. Now if you could turn to paragraph 79 of your statement in which, and I think again, you were taken to that by Mr Fraser, you speak of a large asbestos dump.---Yes.

Do you know who was the responsible officer dealing with that matter?  
---That was Mr Izzard.

10 Could I put it to you that it was in fact Mr Radovic?---Craig had knowledge of the matter, Craig discussed with me I can recall in the office, Craig had discussed with me the issue and we talked about cameras. I talked about I may have a contact with Vineyard Cameras, that didn't come forward. I recall Craig saying, I'll try and see what the police success has, so perhaps he was assisting, I don't know.

All right. Could I, did you have email contact with Mr Radovic about this matter?---Yes, that's correct because I had that direct contact with Sydney Trains there was no point in going through a third person.

20 And I don't want to mislead you if I've put that Mr Radovic was a RID Officer, in fact I think he was a Council Officer.---That's correct.

Now if you could look at paragraph 81 of your statement in which you refer to an illegal tip. And you also used that term in paragraph 79. In making your statement were they your words or were those words suggested to you?---No, it was a response to a question, was I aware of an illegal tip operating in, could you, sorry could you go to the, 81 I think it was.

30 Yes, so paragraph 79 and paragraph 81?---Yeah, it was, 81 was in response to a question was, did I have knowledge of a - - -

And this is Bandon Road?--- - - - an illegal tip operating in Bandon Road and my answer, that's the answer.

So, so in your opinion there was an illegal tip operating at Bandon Road?  
---No, I'm saying there was no, I had no, I had no knowledge and nor did I know of an illegal tip operating in Bandon Road.

40 Right. If I was to put to you that what was occurring at Bandon Road was in fact preparation of the site for the conduct of a skip bin business, is that something about which you could comment?---Well certainly it would need development consent and certainly they would not be able to be importing any material on to the site without that consent.

And if I was to suggest that there was no illegal tip being conducted at Bandon Road, is that something about which you can comment?---I, I have no knowledge of really that site.

Thank you. Now if you could turn to paragraph 86 of your statement in which you refer to undertaking annual performance reviews of all staff attached to the Western Sydney RID squad, that included Mr Izzard?  
---That's correct.

And again other than perhaps minor matters nothing major or anything of significance emerged that was adverse to Mr Izzard. Is that correct?---(No Audible Reply).

10 You have to answer please?---Yeah, I know. There was five or six years so I'm just going back, so I'd say yes, that correct.

Thank you. If you could turn to paragraph 93 of your statement in relation to property Willowdene Avenue, Luddenham. In fairness to you you say that you do not have a clear recollection of this matter. But it would appear from the file note that Steven Gillis attended as did Anna Kypriotis. Are you able to say what actions were taken as a result of the visits of those officers to the property?---I'm just reading if I may. Can I, just scroll back please. Thank you. All right. I understand that I happened and I was  
20 alerted to the fact that I'd actually required Steven Gillis to attend and from a file note I believe presented to me, Steven Gillis attended that site with an officer from Liverpool Council. I understand that Steven Gillis had taken samples of what appeared to be asbestos. It was later found out to be asbestos on that site. I understand that Steven had provided that analysis then to Liverpool Council for their further investigation.

Just pardon me a moment, sir. And to your knowledge Mr Ryan, did Mr Izzard have any involvement with the property at that time?---No, no I don't recall.

30 And you said - - -?---No, (not transcribable) no is the answer.

Thank you. Would you have expected that Mr Gillis would have entered data into the information system concerning, in relation to his visits to the property on that occasion?---Yes.

MR MACK: Can you just clarify what you mean by information system. There's a few of them.

40 MR PATTERSON: Yes, all right. Well this was prior to Rid online, so I assume it's the operational drive?---No. Again could I just go back to see the time if I may.

2012?---'12. At that stage it was the online system before RID online and then I would have expected him to enter data into that. And at that stage the process of placing information on an operational drive, it may have been developed by themselves to get finer tuning. But it certainly should have been the EPA database.

And that data should have been transposed into the RIDonline system?---  
That is what I'm advised by the EPA, that, yeah. That was the intent.

You agree that it should have been, yes.---That was the intent.

Yes. Now, you made reference a moment ago to fine-tuning the operational drive, is that right?---That's correct.

10 Are you able to say who it was, in fact, that fine-tuned the operational drive in 2013?---I can say that Craig assisted and in fact prepared a document for all staff to follow, a very clear document, for, excuse me. Since I started, the case file management was quite difficult to determine, and so I raised that at a meeting. Craig volunteered to put something together. Had a proposal. Team accepted it. Moving forward.

Thank you. Now, would you agree that a benefit of the RIDonline system was, is that data can be entered in the field via tablets?---That could also have occurred on the previous system.

20 Was it only after RIDonline was introduced that tablets were issued to the RID Squad officers?---No, it was before.

Is it the fact that RID Squad officers were encouraged to enter data in the field?---Yes.

Now, when RIDonline was introduced, would you agree that there were some security issues?---Not security issues. Perhaps concerns.

30 And is it the case that as a result of those concerns, the RID Squad officers were instructed to be sparing in the amount of detail that they entered into the record?---That's correct.

And in fact the instruction was to use the generic "refer to file notes"?  
---That's correct. And I will clarify, though, that that's not in all cases. If you've got a very simple case, there's a couple of fridges and a pile of wood, that doesn't really require, I think I use the words "does not require further investigation". Therefore the notes would be "Type of waste located – no ID" and you mark it off as "refer to council for a removal".

40 And that instruction, "refer to file notes", was it in fact minuted at meetings of the – monthly meetings of the RID Squad?---I can't recall.

You wouldn't dispute it?---I would expect it to be that way.

Thank you. Now, after Liverpool City Council took control of the landfill matters for the second time, you transferred Mr Izzard to Blacktown City Council.---Correct.

Are you able to say why you chose Mr Izzard for that role?---As I explained before, it was an opportunity to rotate staff. And we didn't just look at one or two staff. It was an opportunity to rotate several, which I know is good practice. The reason I rotated Craig Izzard to that area is I could see it was, two reasons. I could see it was in some ways similar to Blacktown in what they wanted, in that the issues were more of a rural nature and Craig had gained some experience in Liverpool of that. The other reason for that is the nature of the person. Craig can be quite outgoing and quite interactive with the person. I wanted that to be on the ground from the start so we get good relations with the officers of the council.

Would you describe him as an officer on the front foot?---I don't use that terminology.

But he was pro-active?---Pro-active and reactive.

Your decision to transfer him to Blacktown was at least, in part, a factor of his experience and expertise?---Well certainly his experience in the Liverpool area.

And you've worked with Mr Izzard closely over a number of years, have you not?---Worked with (not transcribable) very closely in the field and in the office.

And it was Mr Izzard who became the acting co-ordinator after you left, is that correct?---Yes, I understand that is correct.

And when you became aware of the allegations that are the subject of this inquiry, that would have come as a great surprise to you I assume, is that correct?---Came as not only a surprise but great personal disappointment.

Would you say, knowing Mr Izzard as you do that let alone accepting bribes, soliciting bribes would be something that was totally out of character for him, in your opinion?---I would say I don't know everybody personally and I know the officers and I had a lot of faith in the officers that I had. I don't know everybody personally.

But from your observations of Mr Izzard, there was nothing that caused you to have any suspicions about his actions as a RID officer at all?---Can I answer that in saying I had no suspicions about any of my staff in that way.

Okay. No further questions Commissioner.

ASSISTANT COMMISSIONER: Any other questions?

MS JONES: Yes, Commissioner, just a couple if I may. Mr Ryan, I appear for Ms Chalk. Thinking back to when you were manager of Waste

and Community Protection at Penrith Council your RID Squad Co-Ordinator who reported to you had no responsibility for an area, is that correct?---That's correct.

10 And when you changed and became Co-Ordinator, you took on an area as well?---The position was restructured because not only did that person not have an area, they also had a dual role. So, the role was not just regional illegal dumping but also an emergency management support role at that time. So, I looked at, and that's the reason of funding, we couldn't afford to appoint both an admin officer and a full time co-ordinator. So, as you do, you work within the budget you have. Around about that time I proposed to the Regional Illegal Dumping Squad, as in the committee, that the budget be increased to have a full time co-ordinator so there was more money put into the squad for that reason. Now, my assumption at that time was the co-ordinator, I think I used the words a 60/40 split funding and therefore workload, there was a 60/40 split and therefore my assumption was that the next person into that position could still balance that 60/40 split 60 per cent co-ordination of the squad and 40 per cent as an operational officer.

20 So the changing the co-ordinators role, was that at your instigation?---I explained that that was the reason I put it forward and it was approved.

Thank you.

ASSISTANT COMMISSIONER: Is there any reason why Mr Ryan can't be excused?

MR FRASER: Can I just ask one quick question?

30 ASSISTANT COMMISSIONER: Yes.

MR FRASER: Mr Ryan, do you know or know of a Mr Nosir Kobite K-o-b-i-t-e?---No.

And in an answer you gave previously, you said that you didn't have a police background, is that correct?---That's correct.

And you know that Mr Izzard does have a police background?---Yes.

40 And before you said that you worked closely with Mr Izzard?---I said I work closely with all my staff.

Did you place extra trust in Mr Izzard because of his police background that you didn't have?---No.

All right. Thank you.

ASSISTANT COMMISSIONER: Thank you. No reason for him not to be excused? So thank you, Mr Ryan. Thank you for coming. You're excused.

**THE WITNESS EXCUSED**

**[3.05pm]**

ASSISTANT COMMISSIONER: Yes, Mr Mack.

10 MR MACK: I call Sophia Le.

ASSISTANT COMMISSIONER: Will you take an oath or an affirmation, Ms Le?

MS LE: Oath.

ASSISTANT COMMISSIONER: Oath. Thank you.

ASSISTANT COMMISSIONER: Ms Le, would you – in giving evidence there’s a possibility that you might lay yourself open to criminal or civil liability. It’s highly unlikely but would you like me to make an order to protect you just in case?---Yes, please.

10

ASSISTANT COMMISSIONER: Thank you. So pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness’s evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

20 **PURSUANT TO SECTION 38 OF THE INDEPENDENT  
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OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR  
THING PRODUCED.**

30

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Ms Le, you’re employed as a Liverpool City Council ranger. Is that correct?---That’s correct.

And you’ve been in that job since June, 2015. Is that correct?---Um - - -

40 Have I got that wrong? Sorry.---Yeah. I’ve been at council – I think I started in 2009 but that was as a parking officer.

And then 18 months later you became a ranger?---That’s correct.

After you did some further training?---Yes.

And you’ve sworn a four page statement in relation to this inquiry. Is that correct?---Yes, that’s correct.

And that's got 13 pages of attachments. It's got a bundle of attachments behind it. Is that correct?---I haven't checked the attachments but, yeah, probably, yeah.

And have you had a chance to read that statement recently?---Just outside.

Okay. Righto. Ms Le, I want to ask you questions in relation to a property known as 405 Willowdene Avenue, Luddenham. Are you familiar with that property?---Yes.

10

And I understand that in 2014 you were working as a council ranger within Liverpool City Council?---That's correct.

All right. And are you familiar with the type of matters that Liverpool City Council would investigate in relation to illegal dumping?---Just briefly. I did it for a short period of time with illegal waste which was mainly public land, yeah.

20

And when you say public land, is public land usually on rural land or can it be in built-up areas?---Well, mainly (not transcribable) but then I think we sort of adopted landfill.

Okay. And in relation to private land, who looked after illegal dumping in relation to private land?---It used to be our compliance officers.

All right. And who, what did the Western Sydney RID Squad look after in relation - - -?---Just illegal waste out West, so anything from Cowpasture Road out West I guess.

30

And were you familiar with investigators from the Western Sydney RID Squad?---We've been through I think two or think, I'm not too sure, because I didn't really do much illegal waste but, yeah, I think - what's his, I can't remember his name but Izzard was one of them, Craig Izzard but the other one before that I think it was Vince.

Okay.---Yeah.

40

And you mentioned before landfilling. Can you explain to the Commission your understanding of what landfilling is?---I suppose illegal waste that's been brought into a parcel of land and they bury it.

Bury it?---Yeah.

All right.---No doubt.

All right. And did you - how did you find out about complaints in relation to illegal dumping?---I was actually out on the field around that area at the time for I think 405 Willowdene.

Okay, yes.---Yeah. Are you talking about that?

Yes.---Yeah. So I just got a phone call to – there’s someone illegally dumping now.

Yeah.---A truck or something so just to go out and investigate. Hence that’s – five minutes later I was there.

10 All right. And is the a point in time you're referring to 14 November, 2014?---Can I just, yeah?

Paragraph 6 of your statement, just to refresh.---Yes, that’s correct.

All right. And so the process was that you were near 405 Willowdene Avenue. Somebody called you and then you immediately went out to 405 Willowdene Avenue?---Yeah.

20 And then when you came back to the office, did you fill out some paperwork in relation to (not transcribable)?---Yes. We have a customer request system.

Yes.---Database thing where we just update our notes on.

Okay.---And that’s where council also refer jobs to officers.

All right. Can I take you to volume 15, page 25. And this comes after your statement. And you'll see there, there’s a date of 14 November, 2014. ---Yes.

30 And there’s a log there, just scrolling down to the bottom half of the page, from Narelle Sertlioglu.---Yes. One of my customer requests.

And that’s at 10.28.41---Yeah.

Were you aware, first of all, do you know Narelle Sertlioglu?---Yeah, she’s from our customer service.

40 And was she the person that called you in relation to 405 Willowdene? ---No, it wasn’t.

No. And if you turn over the page, to page 26, there’s an entry in relation, 14 November, 2014, by Ms Kypriotis.---Yes.

Do you know Ms Kypriotis?---Yes. She’s another ranger that does illegal waste.

Okay. And did you speak to Ms Kypriotis before you went out to the property?---No. Because I was actually already outside on the field, and that's when I received the phone call that someone's illegally dumping right now. So I had to quickly get there and try to catch the person.

And then the next entry is from a Ms Murthy. And it says "Reallocated to officer Sophia L." And I take that's a reference to yourself?---Yes.

And that's at 11.05.31.---Yeah.

10

And then you say, at some stage after, well, at what point in time of the day did you receive the phone call?---I think it was roughly around, it was near that time that I was there, 'cause I had to quickly go there.

Okay. So - - -?---So near 11.00-ish. Probably about 11.00-ish.

Okay. And did you speak to Ms Murthy before you went there?---It would have been someone from the office that called me to go out there straightaway.

20

Okay.---I can't remember who it was.

Okay. All right. And the entry from you, it's logged at 13.29.16. Is that when you've come back to - - -?---Yeah, that's correct. That's when I updated the notes.

And it says at 11.10am you went out to the property. Is that about the right time?---Yes.

30 Does that refresh your memory?---Yeah.

Okay. And when you went out to 405 Willowdene, did you enter the property?---I sort of entered towards the front door, I guess, to knock on the door.

Did you drive through the gates at the front?---Yes, yeah, I did.

And who did you, did you see Mr Matthews when you arrived?---No, I think I spoke to his daughter and then she called Mr Matthews.

40

Okay. And do you know her as Renee Matthews?---Or his granddaughter. I can't remember. Sorry?

Do you know her as Renee Matthews or you don't know?---Can't remember, really.

And so then Mr, is it Mr Reuben Matthews?---Yes, that's correct.

He's come over to you and you've had a conversation with him.---Yes.

And what did he say to you?---Um - - -

Or, sorry, what did you say to him?---I actually asked if he was receiving landfill.

Yes.---At the time he said, yes, he's received, I think, some.

10 Some?---Landfill, yeah.

What was his language?---A few.

A few? He said he's received a few?---Yeah, a few, yeah. And I asked, I think, how much. He said approximately a hundred truckloads. I asked to inspect the location where the fill was placed and he refused my entry.

Yes.---So he told me just to check council systems. He said he had some sort of application submitted or something.

20

Okay. And did a hundred truckloads seem like a few truckloads to you or - -?---Well, it's, yeah. Sounds like it, yeah.

So does a hundred truckloads strike you as being a lot of truckloads?---Yes, it is.

And do you know approximately how many tonnes would be in a truckload?---No.

30 Would you expect there to be more than one metric tonne?---Depends what size the truck is.

All right. When Mr Matthews was referring to truckloads, what did you think he was referring to? What size?---Tipper trucks, I guess.

Big tipper trucks? Yes? You have to - - -.---Yes.

Yes. All right.---Sorry.

40 And would big tipper trucks, in your opinion, hold more than two metric tonnes of soil?---Yes, it could.

All right. And up to 10 metric tonne possibly for a tipper truck?---Possibly.

All right. So it was possible that there was up to – if there's 100 truck loads and there's possibly 10 tonne in each truck - -?---Yes.

- - - there's over 1,000 tonnes worth of material that Mr Matthews said has been coming on this property. Is that correct?---He just said yes he was receiving fill. But I don't know what fill it was at the time because I didn't get to inspect it.

All right. And prior to speaking to Mr Matthews have you spoken to Mr Izzard about 405 Willowdene Avenue?---No.

10 Notwithstanding that you received a phone call from Mr Izzard didn't you?--Once I left that property, yeah I did receive a phone call.

And what did Mr Izzard say to you?---That I – he, he received a phone call from the owner of the property or something saying I attended. I said, yeah, I did. He said, well he's already looking after that so I thought O.K. I'll just refer it to him.

Okay?---If Craig was already looking at it there's no point in two people investigating it.

20 And were you surprised to get a phone call from Mr Izzard so soon after you left?---Not really, well not really because he does do the legal waste out west.

And you attended the property again in December with Mr Luna. Is that correct?---Yeah, that's correct.

30 All right. And can I take you to an entry at volume 5, page 65. And perhaps if you go back to page 64 first just to identify the document. Is this familiar this format of document?---Yes, it's our customer request system.

All right. And flicking over to page 65 now you'll see an entry by Sergio Luna on 12 December, 2014?---That's correct.

And it says that you took photographs of the location from a neighbouring property and there appeared to be fresh landfill there. Is that your recollection?---I think Sergio took the photos, either me or him took the photos but I was just with him. He was the investigating officer for this, 'cause I didn't really landfill.

40 Okay. But Mr Luna did?---Yes.  
Mr Luna did landfill and Mr Izzard also did landfill, do you understand if there was a difference between what those two people looked after?---I think there was a change in processes, I'm not too sure, because once I referred it off I don't get it back, I guess.

Okay?---I'm sorry, I think, okay, not to discredit Liverpool Council or anything but we have been through a lot of managers and team leaders, so the processes probably change back and forth, hence it's gone to RID back

to council, to RID and back to council so, yep. It could be a changed process there.

All right. And do you know what PPTY stands for?---No.

All right. Ms Le they were the questions I have for you?---Cool.

ASSISTANT COMMISSIONER: Yes Mr Dunne.

10 MR DUNNE: Yes, Ms Le, my name is Dunne and I represent Mr Matthews. I just want to clarify just a couple of points. When you first went to 405 Willowdene - - -?---Yep.

- - - is it correct that you entered in through the property and actually went to the house and knocked on the front door?---Yeah, through the gates and to the front door.

I see. And was it apparent to you that Mr Matthews was living there on the property?---I don't know.

20

I see. And he spoke to you originally, answered your questions. And when you – is that correct?---Yeah, yeah, I spoke to him, yes.

And you asked to inspect the property - - -?---Yes.

- - - further and it's at that stage he said, well, he didn't let you is what you've told the Commission. Is that right?---It's what sorry?

30 He didn't let you. Is that what you've told - - -?---No, he just refused because he said he had submitted something through to council.

Is it true he said words to the effect that, "You should go back to Council because there are other people looking after this."---Yes, something like that, yes.

I see. So, I think you've said, it came as no surprise to you that you received a phone call an hour, an hour and a half later from someone in

Council saying, they were looking after it, is that right?---Yes, I received a phone call after that.

I see. Thank you.

ASSISTANT COMMISSIONER: Yes, anyone, yes Mr Rushton.

MR RUSHTON: Just briefly, I may have misheard something but might the witness be shown her statement page 23 paragraphs nine and ten. You see there that you say that on the 9<sup>th</sup> of December you or Council received a further complaint from Councillor Harle, do you see that?---Yes.

And at this time Council Rangers Frank Bono and Serge Luna were taking over the investigation of the property.---Mmm.

Then you say at 4.58 on the 11<sup>th</sup> of December you sent an email to Mr Izzard confirming our telephone conversation. When did that telephone conversation take place?---That telephone conversation was when I just left 405 Willowdene, about 20 minutes or so, whatever, half an hour after.

20

On what that?---That same day.

That's on the 11<sup>th</sup>?---Mmm, (not transcribable) the 20<sup>th</sup> of November, when did I go out there before? The 14<sup>th</sup> of November is when I went out, yep, I think I may have called him again, I don't know.

What did you say to him and what did he say to you?---Whether he's taken over or what he was doing with it, I guess, just following up I think.

30 All right. What I'm asking you is, what was the conversation you were referring to there, I take it, it was a different one from what you had a month earlier?---I probably was just confirming whether he was doing it or not, I'm not too sure.

And you say then, that you sent the same photographs to him.---Just so to refresh his memory.

40 Did he indicate that he hadn't received them?---I probably didn't receive any response that's probably why I called him again, I don't know.

All right. You then go on to say that you recall receiving a telephone call from Izzard and you asked him what he did about the complaint and he told me he has issued a clean-up notice.---Yep.

I then asked him to send me a copy of the notice.---Yes, which he did yes.

Which he did?--Yes, I asked if, yes, for him to send me a copy, yes.

Yes. And did he do that?---No, I didn't receive one, yet, no I didn't.

All right. Yes, thank you.

ASSISTANT COMMISSIONER: Yes.

MR MACK: Sorry, just to clear up something that fell from Mr Rushton then. Ms Le, if you can just refer to page 36 of your statement, it's an email  
10 from you to Mr Izzard.---Yes.

This is the conversation that's referred to in paragraph ten and it's on the 11<sup>th</sup> of December.--- Okay, well - - -

It says, "Hey Craig, I'm just emailing you in reference to the phone conversation Council have been receiving more complaints about landfill at the property," do you see the balance of the email there?---Yes.

Does that refresh your memory about what was said in that conversation?---  
20 Yes, it does now, yes.

And sorry, what was the conversation about that it's in reference to?---To 405 Willowdene what he's done with it, I think.

All right. And the reference to the conversation is that the reference to the conversation on the 14<sup>th</sup> of November, 2014?---That one um - - -

Or is that a different conversation?---No, I think it could be a different one.

30 All right. And does it refresh your memory in relation to what the different conversation might have been in relation to?---No, I don't remember.

All right. Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Patterson, anything?

MR PATTERSON: I have no questions, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Anything arising from  
40 anything else Mr Mack?

MR MACK: No Commissioner.

ASSISTANT COMMISSIONER: Any reason why Ms Le can't be excused? Ms Le, thank you for coming, you're excused.---Thank you.

**THE WITNESS EXCUSED**

**[3.25PM]**

ASSISTANT COMMISSIONER: Yes, Mr Mack. I call Ben Krkach. Mr Krkach, will you take an oath or an affirmation?

MR KRKACH: Oath, please.

ASSISTANT COMMISSIONER: Oath.

<BEN KRKACH, sworn

[3.25pm]

10

ASSISTANT COMMISSIONER: Mr Krkach, it's always possible that something you might say in the proceedings might lead to criminal or civil problems for you. I can make an order that that doesn't happen. Would you like me to make the order?---Yes, please.

20

Then pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

30

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ASSISTANT COMMISSIONER: Thank you. Yes.

40

MR MACK: Mr Krkach, am I pronouncing your surname correctly?---Yes, pretty good.

Thank you. Have you sworn a statement in relation to this inquiry on 5 May, 2016?---Yes, I have.

And have you had a chance to read that statement recently?---Yes.

And there's nothing you wish to correct in that statement?---No.

All right. And you're currently employed as a team leader of regulatory services at Liverpool City Council?---Correct.

And you started in that job at the beginning of 2015. Is that correct?  
---Correct. I think it was 5 January.

10 All right. And when you arrived what was your role?---I was in charge of the rangers which is the general duty rangers, animal rangers and the parking officers so illegal waste on public land was done by some rangers down at the depot and my team were the general rangers and the animal control officers and the parking officers.

All right. And who controlled illegal dumping on private land?---Private land was – I believe at this stage it was – well, landfill, I was advised by the manager that we'd be looking after some of the landfill items and some of the other dumping on private land, some of the health officers were dealing with some of those things too.

20 All right. And were you told whether – were you informed of Western Sydney Regional Illegal Dumping Squad having control of dumping in the Liverpool City Council area?---Yeah, upon my arrival I was, yeah.

And what was your understanding in relation to they had at their control?  
---Not too much at the, at the start. I was sort of dumped in a large team and it was sort of new to me all. I had an understanding that they did do illegal waste. I didn't have an understanding when I first got there if it was private property or council land or both but sooner or later I sort of – I realised that they were doing a bit of both and that there was the to and back of who was  
30 dealing with what and we were – I was advised by the manager that my team would be looking and certain two officers would be looking at landfill for the time being. The compliance team and the health team were sort of just getting restaffed again so we sort of did our best to take over that.

And you give evidence about a Mr Bono going to the offices of the Western Sydney RID Squad and returning with a USB drive. Do you recall that evidence in your statement?---Correct.

40 And you reviewed the files on the USB drive. Is that correct?---Correct, yeah.

And can you describe for the Commission the file structure that was on the USB drive?---I can't recall. I do know that Mr Bono and all the staff that were there, I think we even showed the manager at the time that there was only one property file probably to do with any illegal dumping. There was no other information on there.

All right. Well, if you go to page 300 of volume 14 you will see there's an email from you to Mr Izzard and I think there's a request in relation to nine properties.---That's right, yeah.

Correct. I'm just trying to tie this back into what was on the USB drive. Was there a file for any of those properties?---That I can't recall, yeah, but I do know that there was probably only information based on one, one of these properties. I think it was possibly a Martin Road property.

10

But you can't say if for example there was a file for 405 Willowdene Avenue, but it was just empty?---I can't recall.

All right. Thank you. No further questions, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Yes, any cross-examination of Mr Krkach?

MR PATTERSON: Thank you, Commissioner, just briefly. Mr Krkach, my name is Patterson. I represent Mr Izzard. If you could just look at that email at page 300 of volume 14, the nine properties listed there. Are you able to say if, within your knowledge, if the property 405 Willowdene Avenue, Luddenham is the only property in that list which is the subject of this inquiry?---I couldn't confirm that.

20

All right. Paragraph 11 of your statement you used the phrase, you say, and he was living the dream?---Correct.

Are they your words or do you say that's what Mr Izzard said?---No. Yeah, I recall, we had a telephone conversation and he said he's on, he was on a holiday break and that's why he didn't get back to, back to me and that he's living the dream. So that sort of stuck in my head. I don't know why but it sort of did, given he was on holidays, I understand why he might have said it.

30

All right. Paragraph 14 of your statement you speak about 405 Willowdene Avenue in the timeframe of 14 June, 2012?---Ah hmm.

Are you, do you know who the investigating officers were at that time?  
---No.

40

Do you know what action they took if any?---Well that was what we were trying to achieve finding out what action was taken. We couldn't find any so we just proceeded with our own actions, the officers that we had.

Now when it became, when it became apparent to you that there was little information on the disc did you do anything about that?---Well we showed the manager and we just believed that we should continue to proceed with,

with completing the job so there was, you know, at that stage there was, there was no allegations brought forward that raised any alarm bells. But however, my, my job was to just request information. I'd just commenced. And that's what we did and we continued to action those jobs, yeah.

Are you aware if anybody from Liverpool Council raised that as an issue with Western Sydney RID or Mr Izzard?---No. Not to my knowledge.

Not to your knowledge. No further questions.

10

ASSISTANT COMMISSIONER: Anything arising? Mr Krkach thank you for coming. You're excused. If you'd like to leave?---Thank you.

**<THE WITNESS EXCUSED**

**[3.33pm]**

ASSISTANT COMMISSIONER: Yes, Mr Mack.

20

MR MACK: I call Mr Sergio Gallegos. I'm anticipating that I'm about to be told that he might have left today because he thought we wouldn't get to him today or he's just not here. Commissioner, I understand that Mr Gallegos isn't here today for various personal issues that the Commission has been informed of. I am reluctant to lose the 20 minutes of hearing and I understand that Mr Bono is here, Mr Frank Bono. So I call Frank Bono.

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

30

MR BONO: An oath, please.

ASSISTANT COMMISSIONER: Thank you.

ASSISTANT COMMISSIONER: Just take a seat there. You probably heard me say to other witnesses that there's always a possibility in giving evidence that you might leave yourself open to some civil or criminal matter to your prejudice, and I can make an order that that doesn't happen. Do you want me to make that order?

10 THE WITNESS: Yes, please.

ASSISTANT COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

20

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR**

30

**THING PRODUCED.**

THE WITNESS: Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Mr Bono, you swore a 33-page statement in relation to this inquiry, didn't you?---Yes, I did.

40 Have you had the chance to read that recently?---No, because I was expecting to go up tomorrow.

I see. All right. Well, we will have copies of it to refer to.---Thank you.

If I need to take you to a particular section. But perhaps if you start by telling the Commission when you commenced at Liverpool City Council. ---I commenced in Liverpool Council in October 2010 as a parking officer.

Yes.---And then moved up to the position as a ranger.

All right. And did you have to do some training before you became a ranger.---Yes. I done a Cert. IV in Regulatory Services.

All right. And around what time did you become a ranger?---I believe it was 2013. '12, '13, something like that.

10 And what were your responsibilities when you became a ranger?---At the time we were going through a lot of different restructures, so anything from compliance work to general duties to animal to illegal waste, landfills, the whole lot. We were virtually doing everything. Parking.

And you said just then in your answer illegal waste and landfill.---Yes.

Do you draw a distinction between those two concepts?---Yes.

20 And what's the distinction?---Illegal waste is just rubbish dumped on the side of the road, which is only my personal opinion.

Yes.---Illegal landfill is soil, building material that is taken onto private property and spread out and levelled out to fill in a gully or a hole or just to level land out. So that's my opinion of what illegal landfill is.

And you did, you had responsibilities in relation to both illegal waste and landfill?---Just a small amount of landfill at the start. Then in 2015, I think it was, myself and officer Luna were in charge of the illegal landfill of Liverpool.

30 When you say small amount, how large?---Whatever it may be, from a truckload to a thousand tonne.

All right. So a truckload being a tipper truck or a - - -?---Tipper truck but whatever the case may be. Could have been 2-tonne, 5-tonne, 10-tonne. If it was on private property and it was illegally taken there without DA approval, then we investigated it.

40 All right. I just want to tease out that distinction a bit more. You said you started off doing small amounts, which you defined as anywhere between zero and a thousand tonnes. Is that correct?---No, what I meant by that is that we would get called out to investigate a property with just one truckload or we'd get called out to investigate a property with a hundred truckloads.

All right. And then at some stage in the chronology, I think you said 2015, your responsibilities changed.---Yeah.

And you started investigating larger landfill matters, is that correct?---Yes. We were called in by our manager, myself and officer Luna, and asked to take over all the landfills in the Liverpool area.

And were there many that were larger than a thousand or a hundred truckloads?---There was quite a few. There was quite a few that were really large ones, probably about nine or ten.

10 And because they were large, did they involve a high degree of complexity?---Yes.

And when I say complexity, I mean a lot of the investigation work?---Yes.

And when you were investigating the smaller amounts, were you investigating those by yourself?---No, it was always two out. It was always two officers, myself and officer Luna. If officer Luna was not available, I'd take another officer. If I wasn't available, officer Luna would take an officer. We would never go out to a landfill on our own.

20 All right. And it was two investigators before 2015. When your responsibilities were enlarged, was it two investigators after that as well? Always the two investigators? Is that - - -?---What do you mean?

Well, I'm just trying to draw the distinction between when your responsibilities were in relation to a small amount of waste, up to 100 truckloads, and then the time after the 100 truckloads changed to greater amounts, was the investigation team in both those situations two people? ---Okay, previous 2015 the majority of the landfill was given the RID Squad to take care of. It's only in 2015 when we took the jobs back from the RID  
30 Squad that's when we started looking into it.

By we, you mean yourself and - - -?---And Sergio Luna.

Sergio Luna, okay. But when you're in charge of the small amounts were you investigating matters with Mr Luna as well?---No, Sergio started I think it was the end of 2014 prior to that one officer would go or two officers would go but it was mainly all that stuff went to the RID Squad so we hardly looked at it.

40 And it's September 2015, is that the date you say where you were tasked with the large amount matters, is that correct?---No, early 2015.

Early, okay, so around - - -?---I think it was, I believe the date the 17<sup>th</sup> of February rings a bell to me, I don't know if that's the day we had the meeting with Craig or if that's the day we had the meeting with the EPA that they would make us the ARA to look after all the landfills over 200 tonne.

All right. Well, you mentioned a meeting with Craig, by that you mean Mr Izzard?---Yes.

And leading up to that meeting did you have discussions with a Ms Mardini?---Yes.

And is she your manager?---She's my manager, yes.

10 All right. And what was the nature of those discussions in relation to Mr Izzard?---She had concerns as she was receiving a lot of complaints from Councillors and also members of the public that the landfill issues in the Liverpool area were not being dealt with and there was concerns that, they just continuing, the complaints kept coming in so her concern was that we needed to put a stop to it and take control of it and start managing it again.

And prior the meeting, you mentioned Mr Izzard, had you had much contact with Mr Izzard?---A number of occasions, yes.

20 In relation to?---Landfill jobs, phone calls, if I got a customer request that had to do with landfill I'd contact Craig just to check if he was doing it, if he was doing it, just to let him know that there was another complaint about it and that's about it, yes.

All right. And you heard previously, you heard Mr Ryan give evidence previously and he's the co-ordinator of the Western Sydney RID Squad.---Yes.

Did you have any interaction with him?---No.

30 No. And in relation to Ms Chalk, did you hear her evidence this morning?---Yes.

Have you ever had interaction with her?---No.

And at this meeting that you say was around February 2015, who was present at that meeting?---If it was the one with Craig?

40 Yes, that's the one. Who else?---There was myself, my manager Nada Mardini, my team leader, Ben Krkrach, Sergio Luna and Craig.

And what happened at the meeting?---Craig came in, my manager explained to him that Liverpool Council will be taking all the landfill jobs back from the RID Squad and that myself and Officer Luna will be investigating those matters and there was a bit of a conversation, I can't recall the whole conversation, but I do recall Craig say, you know, this has happened previously when Vesna was there, our previous manager, and to the words of the effect that, you know what's going to happen Frank, in six months times you aren't going to be able to handle it and it's going to come back to

the RID Squad. I do recall my manager at the time saying, no I've got two good officers now who are going to take care of it.

And that was a reference to yourself and - - -?---And Sergio Luna, yes.

Was there any discussion at that meeting in relation to what Mr Izzard's responsibilities would be in relation to the Liverpool City Council after the - - -?---Not that I'm, not that I'm aware of, no.

10 And following that meeting was it your understanding that you had control of large scale illegal dumping or illegal landfill matters in Liverpool City Council?---Yes, because then we had a meeting with two EPA personnel. I can't remember their names. I think it may have been – I've dealt with a lot of them over the past 12 months. It may have been Trevor Wilson and another female. I can't remember her name. I can find it if, if necessary. At that meeting the two EPA officers were present. Myself, Sergio Luna, my manager Nada Mardini and my team leader Ben Krkach and we had a conversation in the fact that although over 200 tonne EPA is the ARA and if there's asbestos they're the ARA for them to transfer the ARA back to  
20 Liverpool so we can take care of – and I think there was about a list of nine or 10 jobs, that we take care of, of those jobs and we are the ARA so we can prosecute and issue the fines.

Okay. And do you know why the EPA didn't want to exercise their responsibility over the 200 metric tonnes?---They were quite happy to give it to us because they didn't have the resources to do it.

And at the meeting with Mr Izzard was there any discussion in relation to obtaining his files and information in relation to the matters that he was  
30 investigating?---I don't recall if it was at that meeting but I do recall that I sent a few emails to Craig asking for information about certain properties and I do recall he responded once saying that he was on holidays and he'll get back to me when he gets back and then I believe after that my team leader at the time Ben Krkach continued on with the, with the emails to, to get all that information back from Craig.

All right. And you eventually went out to Mr Izzard's offices - - -?---Yeah, at St Marys.

40 - - - to obtain those files. Is that correct?---Yeah. Myself and Officer Le.

All right. And the offices at St Marys?---Yes.

All right. And was Mr Izzard there when you arrived?---Yeah. He came outside because I think there was something wrong with the door.

Yes.---Took us in to his office and we had a chat and we sat down at his computer. I gave him a thumb drive and he downloaded all the – from that list he downloaded all the files onto that thumb drive.

All right. And how – can you recall the file structure in terms of were the files in relation to properties and then subdirectories in relation to those properties?---I think I recall when I did plug it into the computer when I got back to our office there was like little folders with addresses on there.

10 Yes.---And so each little folder on the screen had an address on it so because we've been speaking about 405 Willowdene was that folder then another folder had another name to it and so forth and so forth.

Okay. Do the parent directory, to use that term, was defined by the name of the property?---Property address, yes.

All right. So - - ----Yeah.

20 Can you recall how many parent directories there were?---Like I said, I'm pretty sure because we worked off – when we were at Craig's office he worked off that list that Ben had sent him.

I understand.---So I believe whatever was on that list that's the information. There were some there that he wasn't aware of, Craig wasn't aware of that actually didn't go to him and I think he said on the day I never dealt with that job so he didn't give us that information.

30 And do you know why Mr Izzard couldn't email them through to you?---He said in one of the emails that the files were too large which is acceptable because, you know, when we go to some jobs we take 100, 200, 300 photos so it's understandable by he couldn't email them.

O.K. And when you went back and reviewed the files on the thumb drive - - -?---Yeah.

- - - was there much data on the thumb drive?---No. The majority of them were empty.

40 And when you say the majority of them, can you give that a percentage?---I think there was probably only one or possibly two that had any information on there but I do recall one from Martin Road. All it had was photos of rubbish on the actual public road and not in private property.

All right. And certainly there wasn't that much data that it couldn't be emailed through. Is that correct?---Going from when I looked at the thumb, thumb drive, yeah, that information could have been emailed.

All right. And after receiving information on thumb drive did you check with Mr Izzard to make sure that that was the complete information that he held in relation to those matters?---No. I didn't have any more contact. The contact was through my team leader.

All right. So there was no conversation when you were at the office to the effect that Mr Izzard is there files elsewhere on the system that you haven't - - -?---No, we were just having a good old chat and he was just downloading information on to the thumb drive.

10

All right. But that would have taken very long?---Yeah, I think it would have, about an hour, an hour, two hours I think we were there.

And following your review of the thumb drive you and Mr Luan started investigating properties that were up until that time being investigated by Mr Izzard. Is that correct?---That's correct.

And one of those properties was 405 Willowdene Avenue?---Yes.

20

And you attended 405 Willowdene Avenue?---Yes.

With Mr Bono?---I'm Mr Bono.

Sorry?---Yeah, with Mr Luna.

With Mr Luna?---Yeah, the first time I went there I believe was with Anna Kypriotis.

30

Yes?---I think it was back in 2013. I attended another time with Officer Le, I think it was 2014. And then again with Sergio Luna. I think once we took over the, the investigations.

40

Why were you visiting the property if they were the responsibility of Mr Izzard in 2013 and 2014?---Because like I said there was a period that it went back to them, came to us, went back to them. And if a complaint came through and we were on the road and we got a phone call from our office there was illegal dumping we didn't have access to a pathway system so we didn't know if that property was already being investigated. So we'd automatically go out there, take photos, note the address, come back to the office, punch it into our system. If it was already a CRMS open on that and it was allocated to the RID squad then we'd put notes in there and contact Craig or whoever the officer at the time was. And so if we got further complaints, here's more photos.

All right. And in relation to 405 Willowdene was it your understanding that clean up notices had been issued before in relation to - - -?---Yes, Before we took over it from the conversations within our office we were

made aware that Craig, through Officer Le that he had issued a clean-up notice to 405 Willowdene.

All right. And when you say in the meeting that's the meeting with Mr Izzard and your - - -?---No.

10 No?---No, that wasn't discussed in a meeting. Nothing was discussed in a meeting with Craig that day about what action he had taken on the jobs, it was that we were taking them back. We never had a discussion with Craig saying have you done this, have you done that.

So when did you have the discussion about the issuing of the clean-up notice in relation to 405?---That was during like just office, office talk between staff members, rangers, manager.

So Mr Izzard never told you that he'd issued - - -?---Not me personally, no.

20 I understand?---No. I only saw that through an email to Officer Le where Craig wrote to her an email saying that he had issued a clean-up notice.

Can you tell the Commission what happened when you attended 405 Willowdene Avenue on 4 March with Mr Luna, in 2015?---Can I have something to re-jog my memory or - - -

Yes, you certainly can. On, your evidence is in your statement, paragraph 65, sorry at 66 that you attended 405 Willowdene Avenue with Mr Luna. Do you see that?---Yeah, I, I didn't, I didn't, I wasn't involved in that interview. Sergio Luna was involved in that interview.

30 All right. But it says on 10 March, 2015 - - -?---Yes.

- - - you and Mr Luna attended 405 Willowdene Avenue.---That's correct, yeah.

And do you recall going out there with Mr Luna?---Yes.

And did you go through the front gate?---Yes.

40 And who greeted you when you went through the front gate?---Reuben Matthews.

And did you have a conversation with Mr Matthews when you went? ---Yeah.

And what did you say to you?---We explained to him that we were there to take a formal interview in relation to the illegal landfill that was on the property and if he was willing to co-operate with that interview. He said yes. He invited us into his house. We had a brief discussion about his

daughter being in at the – I believe it was around the Easter Show time that his daughter was at the Easter show with – doing her saddles and stuff like that. He took us through the house. We went to a little, like a sunroom out in the back of the house.

Yes.---At that time a gentleman who we now know is Mr Andy Cannuli - - -

10 Yes.--- - - - entered the room and we explained to him that we were going to conduct an interview with Mr Matthews. Mr Cannuli asked if he could stay in the interview. I replied to him that he couldn't. As Mr Cannuli is friends with my parents I advised him that it may be a possible conflict of interest if he is in the interview so he went outside and sat in the car and both Sergio and I conducted an interview with Mr Matthews on our own.

All right. Before you conducted that interview did you discuss Mr Izzard with Mr Matthews?---No, only during the interview.

20 Only during the interview. All right. Commissioner, I'm about to move onto a kind of another topic It's 5 to now. I might be a bit longer than five minutes. If it's a convenient place to finish.

ASSISTANT COMMISSIONER: I could go past 4 o'clock.

MR MACK: I don't think I'll get through the whole of Mr Bono today.

ASSISTANT COMMISSIONER: Okay.

MR MACK: I might need him - - -

30 ASSISTANT COMMISSIONER: All right, then. On that basis we'll adjourn the hearing until tomorrow morning.

**THE WITNESS STOOD DOWN** **[3.56pm]**

**AT 3.56PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[3.56PM]**

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