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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 THURSDAY 25 AUGUST, 2016

AT 10.05AM

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

ASSISTANT COMMISSIONER: Thank you, Mr Bono. You're still on the same oath that you took yesterday to tell the truth.

<FRANK BONO, on former oath

[10.06am]

ASSISTANT COMMISSIONER: Yes, Mr Mack.

10 MR MACK: Thank you, Commissioner. Mr Bono, I just wanted to explore one issue I was raising with you yesterday, and you'll recall that I was asking questions about a meeting that occurred between yourself, Ms Mardini, Mr Krkach, Mr Luna and Mr Izzard.---Yeah.

And you were trying to recall the date of when that might have happened. ---Yeah.

And you said the 17th of February rings a bell?---Yeah, I think that was the EPA meeting. I think the one with Craig was before Christmas.

20

All right. Well, if you could be shown your statement at paragraph 57, please. Do you have that in front of you?---I've got a copy here, yeah.

Okay. They're just trying to bring it up on the screen. But does that refresh your memory about - - -?---Yes, that's correct.

And what's the date?---17th of December, 2014.

30 All right. And that's, to the best of your recollection, when that meeting occurred?---Yes, that's correct.

All right. Thank you. Where we paused yesterday was you were in a meeting with Mr Matthews, Mr Reuben Matthews, with Mr Luna.---Yeah.

And Mr Cannuli had absented himself from the room.---Yes.

I want to ask you a few questions about the interview. Did you take notes of that interview?---Either myself or Sergio Luna done a formal interview under caution in our contemporaneous notebooks.

40

All right. I'll show you a document.---Yeah.

And this is a 3-page document. One for the Commissioner, thank you. ---Thank you.

Do you recognise this document?---Yes.

And it's got a date. You'll see on the first page it says page 56 and there's a date of 10 March, 2015 at 12.50pm.---That's correct.

Is this your handwriting?---No, this is Sergio's handwriting.

All right. If you can flick over to, sorry, I should say it's four pages. If you flick over to the page beginning with a 62 at the top.---Yeah.

10 And you'll see Reuben Matthews's signature at the bottom. And then over at 63 it says Frank Bono.---Yeah.

Is that your handwriting there?---The signature is my handwriting on page 63.

Yes.---And then above mine is Sergio's signature.

All right. And you would have signed that after reading through the notes, is that correct?---Yes.

20 All right. And those notes record the interview between yourself, Mr Luna and Mr Matthews?---That's correct.

All right. Commissioner, I tender that document.

ASSISTANT COMMISSIONER: Exhibit 10.

#EXHIBIT S10 - HANDWRITTEN NOTES DATED 10 MARCH 2015

30 MR MACK: And I just want to draw to your attention, Mr Bono, at page 60 there's a question, "Who is being paid by Andy?" Answer, "I don't know." And then Mr Matthews was instructed under the POEO Act to stop all earthworks on the landfill section to the property. Can you remember that being said to Mr Matthews?---Yes, yes.

All right. And did you – was that a formal direction under the POEO Act? ---Yes, and he was still under caution at that time as well so - - -

40 All right. And when you say under caution, what do you mean?---At the beginning of it we read – when we first start a formal interview we read the caution out which is the sticker on the first page and make them sign it which tells them that they must answer truthfully and - - -

All right.--- - - - under the POEO Act.

And did you issue any subsequent paperwork in relation to the stop?---No, it was just a verbal direction at the time.

All right. Thank you. And at the bottom of just on page 63 there's a time there of 1.49pm.---Yeah.

Is that when the interview concluded?---Yes.

All right. At paragraph 70 of your statement you say that approximately 20 minutes after leaving 405 Willowdene Avenue you received a phone call
---Yeah.

10

--- from Anna Kypriotis. How much time was there between the end of the interview and when you left 405 Willowdene?---What do you mean?

You finished the interview with Mr Matthews at 1.49.---Yeah.

And then you then left 405 Willowdene. That's correct?---Yeah.

How much time was there between the end of the interview and ---?
---When I got the phone call from Anna?

20

When you left 405 Willowdene.---Oh, we – as soon as we finished the interview we said goodbye, went outside, jumped in the car and then started driving off.

And 20 minutes after you left you got the call from Anna?---Yes.

And Anna – you say in your statement that Anna told you certain things.
---Yeah.

30 And then in brackets, she had just been contacted by Craig Izzard requesting your telephone number.---Yeah.

Can you recall anything else that Ms Kypriotis told you during that phone call?---Oh, just questions like, Where are you? Craig wants your phone number. He wants to give you a call and I told him that before I give him your number I'll confirm with you. And I said to her, "Well, Craig has already got my number. Why is he asking you for my number?"

40 And do you know why Craig was asking for your number?---No.

And do you think it was in relation to 405 Willowdene Avenue?---I suspected so but I wasn't 100 per cent sure and I just ---

And you ---?---I just said to Anna, "Just give him my number and get him to give me a call."

All right. Do you suspect that Mr Izzard knew that you had just visited 405 Willowdene?---After getting that phone call from Anna, yes, I was suspicious about that.

And it's correct though isn't it that as of 17 December, 2014 Mr Izzard had no control or authority over 405 Willowdene - - -?---That's correct.

- - - to your understanding?---Yeah.

10 The next paragraph of your statement is on 12 March which is two days later - - -?---Yeah.

- - - when you received a telephone call from Mr Izzard.---Yeah.

And you say that Mr Izzard said words to you, "What happened with Reuben Matthews, what have you been saying about me".---Yeah.

20 Did you say anything to Mr Matthews about Mr Izzard?---I asked Mr Matthews – excuse me – because at that stage we still – once I got the thumb, the thumb drive off Craig there was no information on there and I was getting conflicting information that a clean-up notice was issued, wasn't issued, had any fines, so I just wanted to clarify with Mr Matthews what action Craig had done, whether he did issue a clean-up notice or not or issued fines or verbal directions. So therefore if he had issued a clean-up notice I could revoke that clean-up notice and issue a new clean-up notice and take further action. So I was just clarifying what action had been taken by Craig so I could reverse it all and then start from scratch.

30 All right. So it purely related to the issuing of paperwork?---Yeah, yes. Absolutely.

And when Craig said to you, this is on page 74 of volume 14, "You can't believe what these people say. They only tell you half-truths," what did you understand that Mr Izzard meant by that statement?---I really didn't make much of it. I couldn't make heads or tails out of it, where he was going with it. Yeah, I can't elaborate too much on that. It just didn't seem right. Like, why would you say that?

40 All right. And then Mr Izzard, you haven't quoted this, but you say that Mr Izzard found out that you had been investigating 405 Willowdene, because you run into a Mr Nosir Baite, B-a-i-t-e.---That's what Craig told me.

Mr Nosir Baite is also known as Mr Kobite?---Yes.

K-o-b-i-t-e? Is that correct?---Yes, he was subsequently convicted for the transportation of fuel at that property in the local court. We prosecuted him.

But at that time you suspected that he already knew, because Mr Matthews had told Mr Izzard. Is that correct?---I didn't know who told Craig that we were there. Once I got the phone call from Craig, Craig told me that he ran into Nosir.

Yes.---And that's how he knew I was at the property.

But your evidence just before, that on 10 March, when you left the property and you got a phone call from Ms Kypriotis - - ----Yeah.

10

- - - who had got a phone call from Mr Izzard - - ----Yeah.

- - - was that you suspected that somebody from 405 Willowdene had told Mr Izzard that you had been there.---Yes.

So were you suspicious when Mr Izzard told you that he learnt about your presence at 405 Willowdene from Mr Kabite?---I was suspicious that he ran into Nosir. It was my opinion that he got a phone call from Nosir or Andy or Reuben. That was my own personal opinion.

20

Okay. Was Mr Kabite there on 10 March.---No.

No. All right.---The only person that was there was myself, Sergio, Andy, and then Andy waited out in the backyard, in the car.

And then in 73 you make reference to an official notebook, number 062585. Just give me one second. All right. And I'll come back to paragraph 73 in a second, but at this time you had Mr Izzard on loudspeaker, is that correct? ---That's correct.

30

Why?---Like I said, I had suspicions of what was happening at that property.

And you wanted a witness to the conversation, is that why?---Yes.

And Mr Luna was in the car at the time, listening to it?---We weren't in the car. We were downstairs at the café.

Okay. All right. And what were your suspicions at that time?---Well, a range of a lot of things, but it's my own personal opinion that there was just landfill jobs that weren't being dealt with and that they should have and they were quite severe landfill matters.

40

And - - -?---I just didn't know why they weren't being dealt with. I didn't know what the situation was, if there was any corrupt conduct or not. I just knew that there's a procedure that you go through the POEO Act is a very strong act and gives us officers great powers to control those and prosecute people. And this matter had been going on since 2012 and the fill was still

going in there. I didn't see any reason why it should be. It should have been stopped immediately.

All right. So you had your suspicions about 405 Willowdene Avenue?
---Yeah.

And other properties?---Yes.

Or were those comments just - - -?---No, other properties.

10

All right. Well, just sticking with 405 Willowdene Avenue and the POEO Act, what happened between 10 March, 2015 and the issuing of a court attendance notice? What was the decision-making process that went on after 10 March?---Sergio and I had done surveillance on the property and also done some visual inspections on the property. We believed the fill that was brought to the property was not virgin excavated natural material, as it contained pieces of brick, concrete, fibro, which we believed may have been asbestos. I contacted I think it was Damien Rose from the EPA, via telephone call or email, requesting his assistance in coming out to the property and gathering samples to have tested of the fibro, to determine whether or not it was asbestos. We met out on site with Damien and I think the other guy was Josh. I don't know his surname. The collected approximately, I think, 12 or 13 samples and sent them to the lab to be tested. We go the results back from the EPA and from the lab and they were all positive for asbestos.

20

All right.---Sergio and I decided that the severity of the amount of fill and the amount of asbestos because it was spread throughout the whole property, that a small fine would not be significant and made the decision to court elect it and prosecute.

30

All right. When you went out to take the samples was there anybody onsite?---No, just myself, Sergio and the two EPA officers.

Okay. And you arranged for the soil analysis?---I arranged to have the two EPA officers out there for their assistance. Part of the, part of the deal we had with them when we had the meeting with EPA is that they would assist us in doing the, the sample testing so they came out there to follow the correct chain of command and stuff like that.

40

And whose decision was it to pursue this not by way of penalty notice?---It was a discussion between myself, officer Luna, our manager, team leader and our legal department.

Okay. And have you, have you seen a statement of facts that was tendered in the Local Court?---Yes.

Yes. And who settled the statement of facts?---Excuse me?

Who drafted the statement of facts, was that something you did or was that in the legal department or - - -?---It was a joint – every time – we prosecuted over 20 offenders in the Local Court so we – every time there was a case coming up or we were doing a brief of evidence we sat in with our legal department and together we prepared the statement of facts going through our evidence, photos, notebook entries and stuff like that.

10 And in relation to Mr Cannuli, he was issued with a court attendance notice in relation to being the occupier of 405 Willowdene.---That's correct.

Had you seen Mr Cannuli at 405 Willowdene Avenue?---Yes.

And what made you think he was the occupier of 405?---Well, he was the one who told us that he had been at the property since I think 1970 or '72 and he was – he wanted the landfill on there as well because they wanted to level it out to put greenhouses.

20 And when did he tell you that?---I believe he told us on a number of occasions but I think the first time he told me that was when I went out there in I think it was 2014 with officer Le.

All right. I want to take you to paragraph 76 of your statement and to the date of 8 April, 2015.---Yeah.

You say that there was a meeting at the Black Rose Café in Liverpool after their matter was mentioned in the Liverpool Local Court.---Yeah.

30 And you also say that they wished to discuss their court matter.---It was – that was incorrect. It says they wish to discuss the court matter.

The court matter?---Yeah.

All right. And are you aware that the court attendance notice is dated 13 May, 2015?---(No Audible Reply)

I can show you the court attendance notice.---If you could, please.

40 It's at volume 5, page 160, and this is the court attendance notice for Mr Kabite and you'll see up the top there there's a stamp 13 May, 2015. ---Yeah.

Is it possible that this meeting took place before the matter was in court?---It is possible, yeah.

All right. So you could be mistaken about that?---Yes.

And you had a conversation at this meeting at the Blackrose Café, and you put to them, and by them I mean Mr Kabite, Mr Matthews and Mr Cannuli, that you needed to know if Mr Izzard had been helping you, is that correct?
---Yes.

And what made you think that Mr Izzard might have been helping them?
---Because no action had been taken on the property at all. Nothing had been done since – like I said, and it’s not all Craig’s responsibility, because he didn’t have it in 2012. But it just – because it had been going from 2012,
10 I was concerned what was happening at the property, why no action had been taken. It shouldn’t take, you know, five years to – or four years, sorry, to take action on a property.

And then you say they continued to speak cryptically about the activities at - - -?---Yes.

What do you mean by cryptically?---They were saying things along the words that, you know, some people have got to eat and we’ve all got to eat and stuff like that. So I was just a bit - - -
20

MR DUNNE: If I could just object. My name’s Dunne. I appear for Mr Matthews. The term “they were saying”, there are five people at this meeting, three of them served with court attendance notices. I think Mr Matthews is entitled to know whether it’s asserted that these statements were attributed to him or who were actually saying these statements.

ASSISTANT COMMISSIONER: Yes, I take your point.

MR MACK: I’ll come down a bit from the general. You say in paragraph
30 78 that it was Mr Cannuli who said that everyone has to eat.---Yes.

That’s correct, isn’t it?---Yes.

Was anybody else speaking cryptically about the activities at 405 Willowdene Avenue, besides Mr Cannuli?---I don’t recall, no.

You don’t recall. So the only comment you recall is Mr Cannuli saying everyone has to eat?---Yes.

40 And any other cryptic comments you can’t attribute to - - -?---No.

Did you mention the word bribe to anybody in this conversation?---I believe I did.

All right. And can you recall what context you mentioned the word bribe?
---Because it first started off that, like, if you’re being helped by Craig or anybody else, we needed to know about it. And if it’s in the form of helping with a DA or with whatever it is, or if it’s a bribe, it was just, like, a general

question and a general conversation to see what they had to, like, what information they had to offer me.

All right. And when Mr Cannuli said everyone has to eat - - -?---Yeah.

- - - was that after you mentioned the word bribe?---No.

That was before?---Before, yeah.

10 And Mr Cannuli says everyone has to eat and Mr Kabite says, “Don’t worry about it. Don’t worry about it. Leave it alone. But it was a lot.” What did you think Mr Kabite meant about “leave it alone”?---At the time I believed that he didn’t want to discuss it any further with us.

And was he saying that to you or to Mr Cannuli or to Mr Matthews?---We were sitting in a round table. He was saying it generally, like, to everybody.

And your response to that was, “The sad thing is that if anyone wanted to do that,” and then you’ve got “(take bribes)”. Is that what you said?---Yes.
20

Do you recall saying those words?---That’s when I mentioned the word bribe, yeah.

Okay. “When it gets to this court, this point, court proceedings, they should be man enough to give you the money back, as there is nothing more he can do.”---Yeah.

Is the reference to “he” a reference to Mr Izzard?---Or anybody else that was helping them. At the time, in that conversation, yes, it was about Craig.
30

And when you say “this point, court proceedings”, did you say the word “court proceedings”?---Yes, I believe I did.

All right. And you can’t recall whether or not court proceedings had commenced at that time?---No, I can’t.

Have you had a chance to read Mr Cannuli’s interview that’s been tendered in these proceedings?---Very quickly last night, yes.

40 All right. Are you aware that Mr Cannuli says that at this meeting at the Black Rose Café that you issued them with a court attendance notice at that meeting?---I don’t believe it was that one, no.

All right. So you say that Mr Cannuli is mistaken?---I can’t be 100 per cent certain but I think the time we issued them with the court attendance notice – like I said, I can’t be 100 per cent because we had two meetings, one at the Black Rose Café and then also one at Carnes Hill and I don’t recall 100

percent whether it was the one at Black Rose or the one at Carnes Hill that we issued the court attendance notice to all three gentlemen.

10 All right. So I'll just take you to volume 14, page 109 just so we clear this up and down the bottom at about line 30 Mr Cannuli says, "So then went to Carnes Hill shopping centre at a coffee shop there and that's where we met and that's where they handed us three letters." And then there's a question about, "So how long after that initial meeting at the Black Rose Café, George Street, Liverpool did the second meeting where you were given your court attendance notice?" And then you say, "I think after a couple of weeks after all they went to court." Does that refresh your memory about when you gave the court attendance notice to Mr Cannuli?---Yeah, I believe it was the, the Carnes Hill that we issued them with the court attendance notice. We had three envelopes with all three of their names and we issued them with the, the court, the court attendance notices.

All right. And you didn't mention that in your statement though did you the meeting at Carnes Hill?---No, I don't think I did.

20 But at the time you met at the Black Rose Café had the decision been taken to prosecute Mr Cannuli, Mr Matthews and - - -?---Yes, we – that's what we discussed with them I believe. Jogged my memory now. That's why I think we had the meeting at the Black Rose was to tell them that we're going to give them a court attendance notice and we're going to deal with the matter as way of Local Court prosecution.

And what was their reaction to that?---They weren't real happy.

30 And was part of the intention of that meeting to see if they wanted to give you any information in relation to assistance they may or may not have been receiving from Mr Izzard?---That's correct.

All right. And after you issued the court attendance notice at Carnes Hill what was your involvement in the matter after that?---We continued to do surveillance on the property and we continued to gather all the information, evidence, getting ready for the, the court hearing.

And did you attend the court?---Yes.

40 For the sentence?---Yes.

All right. I now want to move on to a property at 100 Martin Road, Badgerys Creek. Are you familiar with that property?---Yes.

All right. I want to start by taking you to volume 7, page 7 and this is an email chain between yourself and Mr Izzard and down the bottom, if we can just scroll down to the first email. There's an email on 26 November, 2014.---Yeah.

To you from Craig and it says, "Vince and I started on sit" – I assume that's meant to be site – "this morning in Martin Road 6.00am. The properties identified one between 90, 100 and also 140. Can you run some searches on both properties. Give me a ring if you want." Do you recall receiving that email?---Yes.

10 Do you recall why Mr Izzard sent you that email?---Yes, because I think, I can't remember which day it was, but just previous to that one of my informants contacted me and told me that there was trucks going into a property at Martin Road. Because still at that time, in November, the RID Squad and Craig were dealing with all landfills in the Liverpool area. So I contacted Craig and said, "Look, Craig, I've just been given information that there's trucks going into a property on Martin Road. Do you mind doing a bit of surveillance." And straightaway Craig said, "Yeah, no problem. I'll get onto it first thing in the morning or a couple of days later." And that was just acknowledgement from Craig that he did go out there immediately and start surveillance on the property.

20 All right.---And also to ask, because what we did with Craig is if he got a complaint and he went to a property and there was landfill or something untoward, he'd contact whoever contacted him to find out if there was any DA approvals or anything like that before he started any action.

Because he didn't have visibility on the DA approvals?---No. He didn't have access to the information, if a DA had been put in or any previous complaints received by council.

30 All right. And then you write back within the hour, and you attach a PDF. If the witness can be shown the following page. I just want to go through the next three pages and, first of all, was this attached to the email? Can you recall?---I believe so. If it's got it on there, then it would have.

All right. Well, can you skip to the next page, please? Page 9 of volume 68. Was that attached to the email, to the best of your knowledge?---To the best of my knowledge, yeah.

All right. Page 10?---Yeah.

40 Page 11? The following pages are photographs and they go for a while. What I'm about to ask you is whether or not you attached photos to - - -? ---The photos, I can't remember. Normally because he would have asked me for information on the properties. So I would have sent those pathway things that show the property owner and stuff like that. I'd be lying if I said a hundred per cent sure I did send those photos. I can't be a hundred per cent certain.

Okay. All right.---If they're on the attachment with that email, then - - -

I'm not sure if they're on the attachment.---Yeah. So I don't recall sending those photos.

All right. Can the witness be shown volume 7, page 2, please. And, sorry, perhaps if the witness can be show page 4 of volume 7. This is a sample receipt notification from ALS Group. And you'll see that there was a sample taken on 26 November, 2014. Can you see that?---Yeah.

10 And they were due to report on 3 December, 2014.---Yeah.

Have you seen this document before?---I can't be a hundred per cent certain. I believe, and like I said, I'm not a hundred per cent, but I think this may have been attached to one of the files that Craig gave me on the USB. It may have but I can't be a hundred per cent certain of that.

All right. Can the witness be shown page 1 of this volume. Do you recognise the handwriting on this document?---No.

20 No. All right.---Going by the names and that, I'd say it's Craig's handwriting. But I've never seen Craig's handwriting, so I can't say whether or not - - -

And have you seen this document before?---I believe that was, like I said, once again with that sample thing, I think it was one of the ones in the, one of the folders in the thumbnail, the thumbdrive.

30 Okay. So can you recall any other time besides this exchange with Mr Izzard in November 2014 in relation to a property at 100 Martins Road?---I never got any more information. This information, I believe, came to me when I went and saw Craig at his office and got that information. But after those initial emails and that, I never heard back from Craig about that property. I don't recall.

Okay.---I never got sent any samples or anything like that.

40 All right. And I want to take you to paragraph 80 of your statement. Sorry, I've got that. Paragraph 88 of your statement. Volume 14, page 78. And you say on 18 May, 2015 you attended 100 Martin Road, Badgerys Creek to conduct an interview and view the property after receiving complaints of illegal landfill by the Western Sydney Regional Illegal Dumping Squad investigation officer Craig Izzard.---Yeah, I - - -

Do you mean by that that - - -?---Yeah, that's what I was – because I read through that last night. I can't remember 100 per cent but if he – there should be a customer service request so if it was – if it did come from Craig then it'll be on that customer service request if the complaint did come from Western Sydney Regional Illegal Dumping Squad.

Well, this is 18 May, 2015.---Yeah.

This is almost six months after Mr Izzard had been taken away - - -.---Yeah.

- - - from Liverpool City Council.---Yeah. Like I say I believe that may be an error.

10 All right. Well, how is it that you ended up on 18 May, 2015 at 100 Martin Road, Badgerys Creek?---Because we would have received a complaint through our customer service about illegal landfill at that property.

You didn't receive a phone call from Mr Barillaro?---Not that I recall, no.

He didn't ask you to come out?---Not that I recall, no.

20 All right.---I believe officer Sergio was, was mainly in control of that property because he made a number of attempts to access the property or get in touch with the owner of the property and I believe he may have – I'm not 100 per cent sure but he may have sent a notice out to the owner of the property to get in touch with him hence the reason why we met him on that day at that property.

Okay. And can you recall on 18 May, 2015 whether or not 100 Martin – whether or not you recall the exchange with Mr Izzard in relation to 100 Martin Road that you had in November, 2014?---Sorry, can you repeat that.

30 All right. In November, 2014 - - -?---Yeah.

- - - you and Mr Izzard had an email exchange in relation to 100 Martin Road.---Martin Road, yeah.

And then in May, 2015 you then go out to 100 Martin Road.---Yeah.

40 In May when you went out there, can you recall remembering the email exchange back in 2014 that Mr Izzard wrote, had you forgotten about that? ---I probably would have forgotten about it because on that original thing there was I think four or five properties on Martin Road that I was discussing with Craig and Craig spoke to me about. I think it was 90, 100, 140 and 120 or something like that. There was quite a few of them on that property.

All right. I just want to take you slowly through what happened when you arrived at 100 Martin Road.---Yeah.

You met with the owner of the property, Mr Antonio Barillaro. That's correct isn't it?---Yes.

And did you meet with him inside the entry to his property?---At the front gate.

The front gate.---Yeah.

And then Mr Barillaro said to you, “You guys aren’t from the bloody RID Squad are you?”---That’s correct.

10 Do you know why he was being so aggressive towards you?---No. Well, 90 per cent of the properties that we go to they’re aggressive towards us.

All right. And you say, “No, we’re from the council. What’s your issue with the RID Squad?” That’s correct isn’t it?---Yes.

And then – and you definitely said, said that and it wasn’t Mr Luna?---No, it was definitely me who said that.

20 And Mr Barillaro said, “Not with RID, with that cunt Craig.” Is that correct?---Yes.

And you recall him using exactly those words?---Yes.

And then you said, “Why, what’s he done? Whatever you tell us stays here with us”.---Yeah.

And then he said, “I met Craig out the front of my property and he said, ‘I know you’re bringing landfill in. If you give me 10 grand I can make it go away’”.---Yeah.

30 Can you recall him putting a figure on - - -?---Yes.

You can?---Yes.

All right. And you said, “Hang on, are we talking about the same Craig?” And then he said, “Yeah, Craig Izzard. He was a shit football player and he was corrupt when he was a copper as well.” You recall that?---Yes.

40 All right. And sitting here now you can recall those words being spoken? ---Clear as day because I was quite shocked at the time to hear them.

All right. And just tracking back up it says, “I met Craig out the front of my property”, that’s Mr Barillaro’s words to you?---Yep.

Do you know what timeframe that was in reference to?---He didn’t say.

He didn’t say?---No.

All right.

And then you confirmed with him what he came right out and asked for ten grand?---Yeah.

You asked him. And then he said, yeah?---Yep.

And then you said, "Have you had any dealing with Craig Izzard before?"
And Mr Barillaros said, "Yeah, out at my other property before I sold it and
10 I know that my neighbour paid him between 50 and 60 grand"?---Yes.

Do you recall that?---Yes.

There's nothing in there you want to change?---No.

All right. Then after that conversation, the next piece of evidence you give
is at paragraph 90 in relation to returning to the office?---Yep.

Was there anything else that was said after you say I will speak to council
20 and if they can guarantee your confidentially will you be prepared to put it
in writing? And he said, yes. What happened after that in between the time
you went back to the office?---We done a quick inspection of the property.
He explained to us that he had a DA, Development Application in to council
for some work to be carried out at the property. Excuse me. So we done a
quick, he showed us roughly where the, I believe it was a shed or some type
of structure that was going to be built on there, so we done a quick scan of
the area where it was going because he was making, like a flat pad to put
this shed or structure on there. So we had a quick conversation about that.
30 We asked him some questions about it. And then we proceeded back to the
office. But my concern was to get back to the office because I was quite
shocked at the remarks that he made and wanted to report him to my
superior ASAP.

You mentioned that he had a Development Application - - -?---Yeah, that's
what he told us.

Did he mention anything in relation to the Development Application of Mr
Izzard?---Excuse me.

40 Was there any reference made to Mr Izzard in relation to the Development
Application?---No. No.

All right. And then at paragraph 91 you say that you're aware that
Liverpool City Council did receive complaints in relation to illegal
landfilling at 395 Willowdene Avenue, Luddenham. And then you, do you
take that as a reference to a comment Mr Barillaro made about his
neighbour?---Once, one he told us about his property at 395 Willowdene
where he dealt with Craig, I done a search on our, on our system to see if

any, any complaints did actually come through on that property and also checked it on our New Maps which is like an aerial shot just to confirm what he said to me was the truth, that there was landfill on, on his previous property. And that was found to be correct.

So he told you that he used to live at 395 Willowdene Avenue?---He didn't say he lived there, he said he owned the property.

10 All right. And when did he say that?---During the conversation we had with him that day.

All right. Was this when you were discussing with him the Development Application?---During the whole conversation, yeah, in some time during that, that time we were there.

And did he say who his neighbour was?---No. I don't recall that he did.

20 And did he say how he knew that his neighbour, and I just want to take you back to your comments at page 80 of volume 14, where you say that Mr Barillaro said, "Yeah, out at my other property before I sold it. And I know that my neighbour paid him between 50 and 60 grand"?---Yep.

Your evidence is that that other property was 395 Willowdene Avenue?
---Yes.

And do you know how Mr Barillaro knew that his neighbour paid Mr Izzard between 50 and 60 grand?---Because he came out and told us.

30 Yes, that's how you knew that Mr Barillaro told you that, but do you know how Mr Barillaro knew?---He didn't say.

Did you ask?---He wouldn't, once he said that we tried to, to ask him a few more questions, but unless he was guaranteed his confidentiality he didn't want to divulge any more information. So he wouldn't tell us who his neighbour was, how much, how does he know he paid, he didn't give, he didn't divulge any more information about it.

All right. And he didn't say who his neighbour was?---No.

40 No. All right.---I don't believe he did, no.

And did you take notes of that conversation?---Normally, 99 per cent of the time, both Sergio and myself always put notes in our notebook, so I believe I may have put notes in there.

All right. Can the witness be shown this document, please? This is a 2-page A4 document with four pages of written notes on it. And I want to

draw your attention, Mr Bono, to the entry under 18 May, 2015, on page 119.---Yeah.

Do you recognise the handwriting?---Yeah.

Is that your handwriting?---No.

All right.---It's Sergio's.

10 All right. This doesn't have a signature on it of either yours or Sergio's, does it?---No.

All right. And so I tender that document and I can make copies available.

ASSISTANT COMMISSIONER: Exhibit 11.

**#EXHIBIT S11 - HANDWRITTEN NOTES DATED 15, 18 AND 19
MAY 2015**

20

MR MACK: I'm going to move on now, Mr Bono to another property at 30 Bellfield Avenue, Rossmore. I'm just trying to arrange for a picture to be shown to you. Do you recognise the property depicted in this photo? This is volume 8, page 94.---Yeah.

And it's a bit hard to see but you'll see some red texta and two sheds.---Yes.

30 Do you recall that property as 30 Bellfield Avenue?---Yes, I do.

All right. And you attended this property on 15 October, is that correct?---I don't know what date but, yeah, I did visit that property.

If you look at page 103 of your statement.---Page 103.

Paragraph 103, my apologies.---Paragraph 103, yeah, yeah.

Paragraph 103.---On the 15th of October. Yes, that's correct.

40 Right. And you attended that with Ms Kypriotis, Mr Mick Phillips and also Mr Luna?---Yes.

And you mentioned - can I just have that photo back up, please? 106. You mention at 106 two large sheds. Are they the two large sheds?---Yeah, at the rear of the property, that's correct, yeah.

And you mentioned that you walked down towards one of the rear sheds and you observed a person known as Mr Riffi, or Bill.---Yeah.

And you saw a number of skip bins in relation to Cobra Bins. What shed was that?---Where the arrow is now.

Okay. So the larger of the two sheds on the left-hand side?---Yes.

10 Okay. And then you walked back to the property and Mr Kolovos was with his wife and daughter and they told you certain things about Cobra Bins using one of their sheds as a transfer station to sort rubbish from their bins into various categories for recycling purposes? That's your evidence?---
Yes.

And you understood that that was a reference to the larger shed on the left-hand side was being used?---Yeah, because we went down there and the Bill guy was in there with all the skip bins and he was on a Bobcat and the shed next door was empty.

20 All right. And 110, you say that you explained to Mr Kolovos that that shed couldn't be used for that purpose? Do you recall?---That's correct. I explained to him that the zoning for the area was RU4, which prohibits the sorting of waste material. And also he would require an EPA licence had it even been in a zoning that was able to have a waste facility management plan there.

All right. And you had a conversation on the phone with a Mr Roy Ykmour whilst you were out there?---Yes.

30 And can you recall what Mr Ykmour said to you?---He explained to me that he had a lease at the property and that he did not have a DA approval. He thought he didn't need one. And I believe he said something along the lines of that on the lease that he had the agent actually put on there what he was going to do, so he thought then it was okay for him to do it there.

All right.---I explained to him exactly what I explained to Mr Kolovos, that that's not the case, and that we would need to have a formal interview with him at a later date.

40 All right. And then at 115 you say that Mr Ykmour was issued with a \$4,000 infringement notice.---Yeah.

For operating a skip bin business from the property without an approved development application.---Yeah.

Could you be incorrect about - - -?---That \$4,000 fine was not for the DA thing. I was incorrect in that. It was actually for pollute land.

All right.

ASSISTANT COMMISSIONER: Sorry, for - - -?---Sorry?

What did you say? For - - -?---For pollute land. Or transport waste, I can't remember. But the infringement would have on there what the actual offence occurred was.

MR MACK: I think I'm about to take you to the infringement. Volume 8, page 54. I'll take you volume 8, 51 first. My apologies. Is that the infringement notice that you issued to Mr Ykmour?---Yes. Yeah.

10

Is that your handwriting?---Yes.

All right. And you'll see that about halfway down the page it says it's for transport waste, pollution incident.---Yeah, my statement is incorrect in that it should have been for a transport waste infringement.

All right. And if I can now take you to page 52 of volume 8. This is a direction to take clean-up action.---That's correct.

20

And it's issued under the POEO Act, section 91.---That's correct.

And it's in relation to fill at 30 Bellfield Avenue, point three.---Yeah.

And then over at 54 it requires Mr Ykmour to complete the removal of the fill.---That's correct.

I just wanted to explore with you where the fill was on the property.---Yeah.

30

Your evidence before was that Mr Ykmour was operating a waste transfer facility out of a shed.---Yeah.

And the clean-up notice relates to fill.---Okay. Because he made admissions to us that – if you bring the picture up, I can explain the area. And I think, I believe on my clean-up notice there's actually an aerial shot that we issued with the clean-up notice. This shows the area that he'd made admissions to both Sergio and I in the interview, that he put the actual fill in that area.

All right. If I take you to volume 8, page 58.---Yeah.

40

Is that the document you're referring to - - -?---Yes.

- - - in relation to admission?---Yes.

All right. So Mr Ykmour admitted to filling that part with the blue square on the line with illegal fill?---Yeah. And even when we done the site inspection, there's photographs of it, he had his bins in that area. And he explained to us that he put that fill on there because he wanted to store his bins on that little pad and for his trucks to turn around and stuff.

And that fill contained asbestos, is that correct?---When we went out there, Mr Ykmour was on site with us. And we done a quick scan of the area. Officer Luna and myself identified two pieces of fibro which we believed to be asbestos, hence the reason why the clean-up notice asked for a hygienist's report to confirm whether or not it was or wasn't asbestos.

Okay. So - - -?---And the report came back that it was asbestos.

10 All right. But you didn't subsequently breach him for dumping of asbestos?---No. It's the same – it's a different offence code but the infringement is the same amount, the penalty is the same amount and because I hadn't had the fibro tested as yet there was no point in delaying issuing infringement waiting for the test, the test results just to change the transport asbestos et cetera. Like I said, the infringement penalty is still \$4,000 so it wouldn't have made a difference.

But the infringement is for the transport of waste.---Yes.

20 Is that to the shed or to the - - -?---No, to the fill - - -

To the fill site.---For that fill area, yeah, yeah.

All right. I'll take you to paragraph 116 of your statement. Can you just read the first sentence and tell me if there's any words missing.---I can't see any.

30 All right. So it reads, "After our initial visit to the property 30 Bellfield Avenue, Rossmore on 15 October, 2015 and what appeared to be unauthorised landfill on the property at the time." I think it might be missing that you saw or you observed what appeared to be unauthorised landfill. Is that correct or am I – is my - - -?---Well, what appeared for us to be imported landfill to the property.

All right. So you, you went out there on your initial visit and you saw what appeared to be unauthorised landfill on the property at the time. That's - - -?---Yeah.

40 Okay.---Yeah, virtually all the way – where that dam is in our opinion or in my opinion because I can only speak for myself, from the back of both sheds to almost the rear of the property in my opinion it was imported fill and the reason why I say that is that it was explained to us by Mr Kolovos that that extra fill at the back, at the rear of the dam that you can see on there.

So, sorry, just wait there.---That area there.

There's a blue square and - - -.---Yeah.

- - - then is that - - -?---Yeah.

- - - hole next to it is that the dam or is the dam behind?---Yeah, that, that hole – if you move the arrow up a little bit you can see the dam. Yeah, that’s the dam.

10 All right.---Mr Kolovos explained to us that the fill at the back of that dam, yeah, where the arrow is now was because he emptied out the dam and he cleaned the dam and that’s where that fill came from.

So at the bottom of that page there’s some black imaging. Is that the fill you’re referring to or is it the - - -?---No, the brown stuff.

20 The brown. Oh, okay.---Yeah. So where that arrow is going up and down, like across there now, yeah, tall that area and also between the dam and the, the right-hand side shed. Yeah, all that area in there. What he told us about removing that fill – cleaning the dam out and that’s where the fill came from, I didn’t believe it in my opinion as when we looked at that fill there didn’t appear that it would have been fill that was removed from that dam. If that was removed from the dam it would have been clean clay.

30 Okay. All right. And then at 121 of your statement you say that you’re currently finalising your investigation into Nick Kolovos. That was at the time your statement was made on 8 April, 2016. Have you since finalised? ---No. Since then all landfill matters have been taken off Sergio and myself. Our director at the time Toni Averay has now taken all landfill matters and dealing with, dealing with them herself. So what we were told to do by our CEO was to update all the CRMs that we were up to with the, with the landfills and the court proceedings and stuff like that and any further action. So we updated all those CRMs and then transferred then back into Nada Mardini’s name for her to continue action on it and as far as I know no further action has been taken on that property since it’s left our hands.

And if I take you to volume 8, page 31 there’s a proposed order to Mr Nick Kolovos at page 30 and it’s not dated. And then, have you seen this document before?---No, no, I can’t remember that one.

40 All right. At page 33 it’s got your signature at the bottom. That’s your - - - ?---Yep, that’s - - -

Do you accept that’s your, I can show you - - -?---Well I can’t see my signature but that’s how I, I do my stuff, yeah.

All right. But you can’t – it doesn’t refresh your memory in relation to this document?---It does. I could have possibly written both of them out at the same time, but waited for not to grade the area. I believe at the time I

waited for Mr Ykmour to complete his clean up notice and finalise his area because at the time I think Mr Ykmour said he was having hassles with Mr Kolovos as far as payment and was starting to get, the relationship started to deteriorate. So I thought what I may have done at the time was waited for Mr Ykmour to finalise all his stuff and he's out of there and then take action against Mr Kolovos.

10 Okay. I just want to take you back to that photo a final time?---Sorry, can we just go back to, okay that was a clean-up notice because I know I sent Mr Kolovos a notice to cease use as a waste facility so I'm wondering if that
- - -

All right. We'll go back then. That's volume 8, page 31 and perhaps if you're shown volume 8, page 31, 32 and 33?---Okay. So that's the, that's order to cease the use of the premises, yeah, that, that did get sent out to Mr Kolovos.

20 Okay. And just go to page 32. I haven't shown you this, but it says, "During our inspection on 15 October, 2015"?---Yep.

And that you inspected the facility?---Yeah, that, that definitely got sent out to Mr Kolovos.

All right. And it says it's a proposed order. Do you know if anything happened in relation to whether an order was actually made?---Okay. What normally happens is that we send out a proposed order. That's how the legislation is, we have to send a notice of intent to send an order.

30 Yes?---And then given, there's a range between seven days, 14 days and 28 days for them, the person who the notice is sent to to make representation, excuse me, to make representation to council or whoever the person who issued the notice as to why the order should not be sent. Once that notice was sent I believe Mr Kolovos' daughter made representation to council and myself as to why the order shouldn't be sent and that they're in the process of removing Cobra bins and I gave her an extension I believe because I had Mr Ykmour also saying that he's going to exit from the property. And I don't – because they complied with the notice and their representations I don't believe I sent an order out because they had complied with the notice.

40 All right. So Mr Ykmour exited the property?---Yes.

And you - - -?---And he asked for an extension as well because he was having difficulty finding a place to go, which I granted because I saw that he was in the process of, of trying to get out of there. So I granted that extension, but I don't believe – because he complied with the notice I don't believe I sent the order out.

Okay. And do you know if anybody else moved in to that shed where he was operating out of?---Not from inspections we don't afterwards no. During the time we had, the first time we went there and I spoke to Mr Kolovos, he did show me some documentation that another skip bin company was going to move into the, the vacant shed, the one that was on the right hand side.

10 So that was vacant at that time?---That was vacant at the time, yes. And he showed me some paperwork that they were ready to – it was a lease agreement, that they were ready to sign with a company called, I believe it was Geta Skip or something like that. And I said to him I'd encourage you not to have this signed because you'll be once again breaching your DA conditions and there'll be serious consequences for it. And so he never got anybody else in there.

All right. At paragraph 122 of your statement you said, on 3 November, 2015 you received another phone call from Mr Izzard?---Yeah.

20 And he informed you that he'd just attended 30 Bellfield Avenue with his work colleague, Eric Ryffel. Do you know who Eric Ryffel is?---Yes. He's the RID officer who replaced Craig in the Liverpool area.

All right. And do you know what Mr – so, sorry, that was after Mr Izzard – do you know if Mr Izzard was reassigned to a different area?---He was reassigned to Blacktown.

All right. And then Mr Ryffel took over his position at Liverpool City Council, that's correct?---As the RID officer for our area, yes.

30 And to your understanding, what was Mr Ryffel in charge of?---Just illegal dumps on the side of the road.

On the side of the road. But not private property?---No.

So you don't know why, in the first instance, Mr Ryffel would need to attend 30 Bellfield Avenue, because it wasn't a dump on the side of the road, that's correct?---No.

40 All right. Sorry, that is correct?---That's correct, yeah. No, there was no reason for him to enter a property.

All right. And there was definitely no reason why Mr Izzard needed to attend 30 Bellfield?---No.

And then after that conversation, you called – I'll just take that back a bit. Can you recall what Mr Izzard said during that first conversation?---He said that Eric informed him of a complaint at that property, hence the reason for his visit there, and that he spoke to Nick Kolovos and Bill, I think it was, or

Mr Ykmour. I can't remember a hundred per cent. And asked me what I had done about the property and stuff like that. And - - -

So, sorry, who asked you what - - -?---Craig.

Craig asked you what you'd done about the property?---Yeah.

10 Okay. And what did you tell him?---I asked him, "What were you there for?" And he goes, "Oh, because Eric received this complaint from one of his informants that there was something illegal going on there." And that was it.

And did you convey to him your understanding that he was only in charge of the Blacktown City Council and had no reason to inquire?---No, I've never spoken to Craig like that.

All right.---I wouldn't undermine his judgement. To me, he was a senior.

20 All right.---I wouldn't speak down to him.

And then shortly after that conversation you had with Mr Izzard you contacted Mr Kolovos and asked him why Mr Izzard and Mr Ryffel attended the property. And you say that Mr Kolovos's reason was that it was only a friendly visit.---Yeah, that's what he said to me.

30 Can you recall anything else from that conversation?---No, because I said to him, "What were they doing there?" Because, like I said, I wasn't going to question Craig about it. I just, I didn't feel it was appropriate for me to question him. So I asked Mr Kolovos what they were doing there and he just said they just came here, it was just a friendly visit, don't worry about it. I tried to get more information out of him, but he refused to give me any information, and that's when the phone call finished.

And do you know if Mr Kolovos and Mr Izzard were friends?---No. I don't know.

40 And so what did you think Mr Kolovos meant when Mr Izzard said he was on a friendly visit?---It shocked me. I didn't understand it. The whole lot of it just, it was just all confusing why he was there. If Eric – because I built up a relationship with Eric at the time because I was moved to the depot. And it was just shock to me, because normally if Eric, number one, would enter a property or got a complaint about a property, he would have contacted Anna and then Anna would have contacted me or so forth. So I was just, it was just a very confusing situation.

And did you speak to Mr Ryffel separately from speaking to Mr Izzard?
---No.

Why not?---Because I knew of an investigation that was happening at the time.

All right. They're all the questions I have at the moment, Commissioner. There might be something else I want to put to the witness after I've had a look at a document.

ASSISTANT COMMISSIONER: Mr Bono, these skip bin operators and people responsible for dumping rubbish, is there any licensing arrangement in relation to those people?---Yes, with the EPA. To get a DA in Liverpool area, that's what I know of, the zoning has to be approvable for a waste management facility. And part of that DA process, one of the conditions are that before it gets approved by council they must have an EPA licence.

Now, I'm not talking about transfer stations. I'm talking about skip bin operators, for example.---They still need approval because what they do, they - - -

No, but what I'm asking you is there any licensing arrangement to be a skip bin operator, for example?---Not that I'm aware of. I can't comment on that, Commissioner. I'm not too sure if you need a licence to be a skip bin operator, to run a business as a skip bin operator, no, I don't. I'd say that'd be something for the EPA because as far as I know with the way skip bin operators work, they'll take a bin to a property, it'll get collected and then from there it will go straight to the tip. So there's no sorting, so I don't believe they would need a licence for that, but I can't be a hundred per cent sure. That's not my expertise, area of expertise.

Can you say that a system of licensing, and where they might lose their licences if they tipped in places that they shouldn't, might work?---I believe there should be – Sergio and myself investigated a large property in the Prestons area where a person was leasing a property from the owner. He had a skip bin business. He excavated the property down to a depth of about four metres and every single bin was being dumped in those holes, covering the whole area of about three acres of land. We took action against them and I think it cost the property owner just over a million dollars to remediate that property. So I believe, yes, there should be some sort of licensing with the EPA and some more auditing done when they are taking bins to a tip or wherever. There should be accountability where that rubbish or where that stuff is going to. There should be accountability. I know in the refrigeration game, when you take R22 gas out of a compressor, you are audited by the refrigeration thing. So, okay, you took so much gas out in the last month. Where is it? Show us your receipts. I believe something like that should be in place for skip bin companies. And also as far as local councils go, with the demolition of asbestos property, in the Liverpool area, and Craig will confirm this, I believe we get large, large amounts of asbestos dumping. And they are from all professional companies because it's all wrapped in black plastic. I believe that with councils, when a

development application is put in, councils receive a bond for kerb and gutters if there's any damage to them. I believe that a measure should be in place that if there is a demolition of a fibro house, asbestos-contained house, they should be able to get those contractors to pay a \$20,000 or \$30,000 bond. Once they produce receipts of that asbestos going to the tip, then they get that bond back. It gives us better tracking of where it's going and what's happening to it. But at this stage they're given a waste management plan on their development application but no-one's following it up. So the poor owner is paying thousands of dollars to get rid of this asbestos and these
10 contractors are just dumping it on the side of the road with no accountability. So I believe stricter measures should be in place as far as that goes. It helps us as RID officers and also council officers that we're aware of when that property is going to be demolished, and we can do our own surveillance on it to make sure that it does go to a lawful facility. So, yeah.

Thank you for that.---Yeah.

Now, cross-examination. What's the order of cross-examination?
20

MR FRASER: I had nothing to ask until the last comment was made by the witness, which I'd like to clarify an aspect of. So, I'm happy to go right away, Commissioner.

ASSISTANT COMMISSIONER: What do you, what do you want - - -

MR FRASER: Well, just this idea that a bond ought to be imposed on a development application as part of the process needs further examination if it's going to be adopted by the inquiry as something of a recommendation.
30 So I was just going to ask questions about that.

ASSISTANT COMMISSIONER: Sorry, what's the relevance of your question? What's the relevance of your question?

MR FRASER: To the question of the suggestion made by the witness that a bond be imposed on a development application.

ASSISTANT COMMISSIONER: What's the relevance of that to your client?
40

MR FRASER: Well, it's a council among many who would be affected by that and - - -

ASSISTANT COMMISSIONER: In what way?

MR FRASER: Well, you'd have to choose whether or not to impose such conditions if that was a recommendation made by the inquiry. It's something which would normally be a matter for consideration by, say, the

Local Government Association on a submission made to it. And then they can discuss amongst themselves what the consequences of such a proposal would be. So - - -

ASSISTANT COMMISSIONER: Yes. I don't see that it's relevant in your interest, Mr Fraser. Now, is there anyone else who – yes, Mr Dunne.

MR DUNNE: Yes. Mr Bono, my name is Dunne. I represent Mr Matthews.---Okay.

10

Now, you gave some evidence yesterday I think that you first met Mr Matthews in around 2013 when you attended 405 Willowdene Avenue with Anna I think, Anna - - -?---Yeah, I may have said that. Yeah, I can't recall that I did say it but I may have. But the years could have been wrong. It could have been - - -

The years could have been wrong.---Possibly, yeah.

20

But approximately at that stage.---Yeah, like this – we're - - -

You've been out there on that occasion. You were out there on a second occasion in around 2014 with Ms Le.---Yeah.

And then of course you were back out there meeting with Mr Matthews on 10 March.---That's correct.

So on at least three occasions over a period of years you've met Mr Matthews at 405 Willowdene Avenue?---Yeah, two or three times.

30

Two or three times?---Yeah, I'd say so. Yeah.

And you would agree that you described him as an elderly gentleman? ---Yes.

And it wouldn't surprise you if I was to tell you that he's 79 years of age at the time of this inquiry?---Yes.

40

Would you also agree he's rather unsophisticated?---I can't comment on that.

Well, in relation to understanding his obligations, particularly in respect of bringing landfill onto his property?---I can't comment on that. I don't know what his – the only interaction I've had with him is what's happening at his property. I don't know if - - -

That's, that's directly - - -?--- - - - if he's got a science degree, whatever. That's - - -

I see.---I don't know.

I see. And you've been on the property those three times and he's been present on the property. There's a house on the property?---Yes.

And when you spoke to him you spoke to him in his house?---I – when we done the interview, yes, that was correct.

10 And was there any doubt in your mind that he was an occupier of this property?---Was there any doubt that he was an occupier?

Yes.---No.

So you accept that he was an occupier of this property?---From my understanding he lived in that, in that house on 405, yes.

I see. I'd like to ask you some questions about your statement that you've given - - ----Yeah.

20 - - - in these proceedings in volume 1. Now, on 10 March, 2015 you conducted the formal interview of Mr Matthews. That's correct?---Yes.

And the records show I think that you arrived on the property at around 12.50pm, about 10 to 1.00 in the afternoon.---If that's what it says, yes.

That's in your notes which is Exhibit 10, and those same notes show - - -. ---No, that would have been when we started the interview. It's not when we arrived at the property.

30 So you would have arrived earlier?---Of course, yes.

And that the interview concluded at approximately 1.40pm, about 10 to 2.00.---From remembering what I saw in that thing, yes, that would be correct.

If you accept that's what the documents show?---Yeah.

40 And again there would have been five or 10 minutes I suppose while you packed up and left the property?---Yes, yeah, five minutes. Said goodbye and walked out.

And at the time of the interview Mr Cannuli was present on the property. Is that right?---He was sitting outside. I was facing the back window of the sunroom and Mr Cannuli was sitting in the car, because I could see him through the glass window, sitting in the car at the back of the property.

I see. And Mr – before the interview commenced at 10.50 - - -?---Yeah.

- - - you asked Mr Cannuli to give you some privacy, if I can put it that way, so that you could conduct the interview with Mr Matthews?---That's correct.

So Mr Cannuli left your presence?---Yes.

Your statement further says at paragraph 64 that 10 or 15 minutes after leaving Willowdene you'd received a text from Anna Kypriotis - - -. ---Sorry, which, which paragraph?

10

64?---That says I made inquiries with the Environment Protection Authority.

Please excuse me. Paragraph 70 I'm sorry?---So paragraph 70.

Approximately 20 minutes after leaving Willowdene you received a telephone call from Anna Kypriotis?---Yes. Yep.

20 And the context of that was that she'd been contacted by Izzard requesting your telephone number?---Yes.

So that's a period of an hour and a half, between an hour and a half, two hours after that you commenced the interview with Mr Matthews. Is that right?---What time did I get to the property?

About 10 to 1.00 and you left about quarter past 1.00?---10 to 1.00, quarter past - - -

30 An hour and fifteen minutes?---10 to 1.00 to quarter past 1.00, that's 25 minutes.

Sorry. Please excuse me. It was 10.15 and the interview finished at about 1.39. You left the, the premises 10 or 15 minutes after that. That's about an hour and fifteen minutes. You had a phone call 20 minutes roughly after leaving the premises. So it's about an hour - between an hour and a half and two hours after you commenced the interview with Mr Matthews. Is that's correct?---If I could just see that interview with the times on the notebook just to, just to clarify those times, yeah.

40 It's Exhibit 10 on the first page?---12.50 we commenced the interview, 10 to 1.00.

Yes. And on the last page 149, about an hour?---Yes, so we were there for an hour. Yep.

Yep. 10 or 15 minutes to leave the property and then 20 minutes after that, it's about an hour and a half, between an hour and a half and two hours after you commenced the interview. Is that correct?---Yep.

And during that time Mr Cannuli was away from your presence?---He was sitting in the car behind, behind the house, yeah.

How did you observe that?---Because like I said I could see him through the window.

I see. But at any event it's possible Mr Cannuli could have contacted Mr Izzard in that period?---It's possible, yeah, he could have done anything.

10

It's possible Mr Cannuli could have spoken to Mr Baite about the interview. Is that correct?---Yes.

And in paragraph 71 of your affidavit you refer to a conversation you had with Craig Izzard - - -?---Yep.

- - - where he says, "What have you been saying about me"?---Yep.

And he said you were asking a lot of questions about what I've done and what I haven't done?---Yep.

20

Now can I ask you to look at Exhibit 10 which is your notes of the interview with Mr Matthews. If you just scan through that there's no record in those notes of any discussion with Mr Matthews at all about Mr Izzard?---No, because obviously these are for court purposes so we were asking more direct questions for, for court matters. That was just - - -

30

Oh yes, I'm not criticising you. What I'm saying is - - -?---Yeah, That was just general, general discussion that we were having during the, during the interview. Like not every single question was getting written down.

Oh so it's an incomplete record that we have?---No, it's not an incomplete record, it's, sometimes you'd just have a conversation during questions that it's not necessary to write those down for court matters.

You didn't discuss Mr Izzard with Mr Matthews during this interview did you?---Sorry?

40

You didn't discuss Mr Izzard with Mr Matthews during this interview did you?---Yes, I did.

Now I just want to ask you about paragraph 76 of your statement. Before I do, Commissioner, I note the time. I will be some timed.

ASSISTANT COMMISSIONER: Will you? Okay. We'll take the adjournment till quarter to.

SHORT ADJOURNMENT

[11.30am]

ASSISTANT COMMISSIONER: You're still on the same oath, Mr Bono.
---Yeah.

Yes, Mr Dunne?

MR DUNNE: Mr Bono, shortly before the adjournment I was asking you
some questions about the interview on 10 March.---Yes.

10 And I asked you some questions about any questions you may have asked of
Mr Matthews regarding Mr Izzard.---Yes.

And I suggested to you that you didn't ask Mr Matthews any questions, and
I think your response was a spontaneous "Yes, I did."---Yes, I did ask him
questions in relation to what Craig had done.

Now, you agree that there's no reference in your notes to any questions or
answers in relation to Mr Izzard?---No, as I - - -

20 ASSISTANT COMMISSIONER: We have been through this already, Mr
Dunne. Can we move to the next question? You've asked all those
questions before. You've got all of those answers before.

MR DUNNE: I was just going to ask, I was simply laying the framework
for the - - -

ASSISTANT COMMISSIONER: Okay. I think we all remember. Just go
on.

30 MR DUNNE: Thank you, Commissioner. In any event, any questions that
you may have asked about Mr Izzard or any answers given by Mr Matthews
were not significant enough for you to record in your notes, were they?
---The purpose of the interview was in relation to the landfill on the
property. We went there to interview Mr Matthews in relation to the
prosecution. Information about what Craig had done was irrelevant to that
prosecution. As you can see, I believe the interview went for an hour.
There's probably about ten questions. It doesn't take an hour to ask ten
questions. So it shows that there was conversations during that time which
were irrelevant to the court matter, so that's why they weren't put on that
formal interview.

40 And so you'd agree, though, that any answers given by Mr Matthews
weren't significant enough for you to record?---Not for the prosecution
against him about the landfill on the property, no.

I see. If I could now move to paragraph 76 of your affidavit.---Of my
statement?

Yes. Sorry, your statement. And that refers to a meeting on 8 April, 2015, where you indicate Mr Matthews, Mr Cannuli, Mr Baite, yourself and Mr Luna attended. Is that correct?---Sorry, can you repeat that?

Paragraph 76 refers to a meeting on 8 April, 2015.---Yeah.

And lists five people who attended.---That's correct, yeah.

10 Okay. Now, you say you were requested, Mr Luna and yourself were requested.---Yeah.

How did that request, how was that arrangement made? Were you asked?
---No, Nosir. Nosir asked us to meet.

Nosir asked you personally?---Can't remember if it was me or Sergio.

20 So you're uncertain as to whether Nosir asked for the meeting for you or whether he asked Mr Luna, and Mr Luna told you about the meeting?---Yes, that's correct.

Now, are you aware, you were asked questions about a statement Mr Cannuli gave, I think, earlier.---Yes, yeah.

And do you still have that statement with you?---No. It was brought up on the screen.

30 Volume 14, page 104, at about point 5. Mr Cannuli's asked this question, "Were you interviewed, I think, by Serge Luna and another council ranger on 8 April in relation to illegal landfilling on Reuben's property?" You see that?---It says, okay, you were interviewed by – that section, yeah.

And Mr Cannuli answers, "Yes, I went by myself and saw Serge upstairs."
---Yeah.

40 Are you certain that this meeting, on 8 April, with the five gentlemen referred to in paragraph 76, actually took place?---I'm a hundred per cent certain. Whether the date's correct or not, I can't be a hundred per cent certain. But the meeting with all five at the Blackrose I am a hundred per cent certain it took place.

Are you sure that that did not occur in fact on or about 15 May, 2015, when in fact you served the court attendance notices on Mr Reubens, Mr Cannuli and Mr Baite?---No, that was a separate meeting at Carnes Hill. There was two meetings that we had with all three gentlemen. One was at the Blackrose at Liverpool and one was at a coffee shop at Carnes Hill.

I see. In paragraph 78, in reference to the meeting, you specifically refer to words used by both Mr Cannuli and Mr Baite.---Yes.

Nowhere in your affidavit in relation to the meeting on 8 April, 2015 do you refer to any words used by Mr Matthews.---That's correct.

Do you agree with that?---Yeah.

Can I suggest to you that Mr Matthews did not attend the meeting or any meeting that occurred on 8 April, 2015?---That's incorrect. On two meetings that we had, Mr Matthews was present at both meetings.

10

And on page 79, sorry, paragraph 79, you refer to the court attendance notices being served on Mr Matthews, Mr Cannuli and Mr Baite.---That's correct.

Do you accept that they were served in a meeting - - -?---At Carnes Hill.

- - - on 15 May, 2015?---Like I said, I can't be a hundred per cent sure of the dates but that was definitely served upon all three gentlemen at Carnes Hill.

20

And I want to suggest to you that at this meeting on 15 May, firstly you, and I'll come to Mr Luna later, used words of the effect, in general, to Mr Matthews, Mr Cannuli and Mr Baite, that they did not need to worry about the court attendance notice, firstly. Do you agree or disagree with that?---I disagree with that.

But secondly you said, "You will not need a solicitor."---Hundred per cent disagree with that.

30 That you said, "You just go to court, stand in front of the magistrate and plead guilty."---That's incorrect.

And - - -?---Every time we serve a court attendance notice, we tell them that it is a very serious offence and to seek legal advice. We explain roughly how it will occur but we always tell them to seek legal advice because the infringements and the penalties are quite severe.

40 I haven't asked you about your usual practice. I'm asking you to focus on this particular meeting.---That's my usual practice, so I know it did happen at that meeting.

I see. And, excuse me a moment. You also gave evidence today that you were a part of a team, if I can put it that way, that prepared the court attendance notices and the statement of agreed facts, is that correct?---It was a team that produced all the evidence, done the briefs and gathered all the information in preparation for the court attendance notice to be gotten, to get the - - -

So you had input into that - - -?---Absolutely. I'm the investigating officer.
It's - - -

Were you the senior to Mr Luna?---Was I senior? No, we're equals.

And in this particular investigation, does one take lead or - - -?---If it's my
investigation, I wouldn't say take lead. We support each other and we both
gave evidence, so there's no seniority or anything like that. We're equals.
10 It just depends on whose name the (not transcribable) is allocated to. If it's
mine, for example, if the (not transcribable) is allocated to me, then I'll kind
of what you call take the lead on it and issue the notice, order, infringement,
whatever the case may be.

And there were some proposed orders that you were seeking from the
court.---Section 245 orders from the court in relation to that property?

Yes.---That's to remediate the land. Yes, that's correct.

And were you involved in the preparation of those orders?---It's a standard
20 section 254 – 245 court order under the POEO Act.

At - - -.---If it can just elaborate.

Sorry.---Council issues what we call a clean-up notice. The courts issue a
section 245 order which is to remediate the land.

If I could ask you to have a look at volume 5, page 140. I'm sorry, 139.
That's the proposed order to which I was asking you questions about.
---Yeah.

30 Is that the order that you understood I was asking questions about?---Yes,
that's the order that is done by our legal team and our barrister.

And do you know whose handwriting that is on that document?---I've got
no idea.

It's not yours?---Maybe, maybe the court's, maybe the barrister, maybe the
solicitor. I've got no idea.

40 I see. And would that have been attached to the court attendance notice that
you served on Mr Matthews?---No. This was issued as part of the sentence
from the courts. We issued a court attendance notice.

Yes, I understand.---Yeah.

So it wasn't - - -?---Then - - -

It wasn't attached or included in the documents that you gave Mr Matthews, Mr Cannuli and Mr Baite on 15 March?---Well, it can't be.

No, May.---Because they hadn't been convicted yet. This was part of what the court agreed should be part of the punishment, was to remediate the land and that's at the end of the day the community and councils that's what we want, we want the properties cleaned up and remediated.

10 I see.---And that's the court, the magistrate who issued that so it was impossible to be connected to the court attendance notice when no conviction had been given at that stage.

Well, it is addressed as proposed orders but let's move on.---Like I said, it's a proposed order because they're prepared prior to the court. Now, whether the magistrate accepts that or not is out of our control.

I see.---The magistrate can turn around and say well, no, I'm not going to issue that order and council to issue a clean-up notice.

20 I see.---On this occasion the magistrate decided it was severe enough for them to issue the court section 245 order.

Now, the interview that you had with Mr Matthews on 10 March referred to a landfill interview.---That's correct.

Can you tell me what your understanding of a waste facility is?---Of a waste facility?

30 Yes.---A waste facility is where material is being brought in, being sorted. It can be a legal tip where they have licences for contaminations and all types of different fill or waste to be brought to that premises.

I see. Would you consider the premises at 405 Willowdene to be a waste facility?---It can be because there was all different – it wasn't virgin excavated natural material. There was asbestos - - -

Did you consider it to be a waste facility?---Did I consider it to be a waste facility?

40 Yes.---No.

No. And you were involved in the preparation of course of the court attendance notice.---Yes.

And the court attendance notice - - -?---As lodging that court attendance notice, no. That was part of our legal team that did that. We, we supplied all the evidence, photographic evidence, interviews and that's it and then from that they – our legal team inclusive of the barrister lodged – applied

for the court attendance notice or have – I don't know the procedures of that section.

I see. I see.---How it's done.

So you don't look at the court attendance notice after it's gone to the legal team and before it gets filed?---Do I look at it?

10 Yeah.---No. We, we give it to whoever that – it may be posted, it may be delivered to their thing, it may be hand delivered but it's in an envelope so - - -

I see.---Our solicitor picks it up from Liverpool Courthouse.

But you understand the description of the offence in the court attendance notices was to permit land to be used unlawfully as a waste facility?---Yep.

20 You understand that?---Yep. That's, that's what the definition in the POEO, P-O-E-O Act.

I see?---That's the definition of it.

But you said before that you knew that Mr Matthews was an occupier of the premises?---I believed for him to be an occupier of the property, yeah, I believed he at that house.

30 And you understand that the statement of facts, a copy of which is on page 165, I believe of volume 5, lists Mr Matthews simply as the landowner and not as landowner and occupier?---Can you repeat that?

In the - - -

MR MACK: Perhaps if the witness be shown the statement of facts.

MR DUNNE: Yes, I think it's on page, well one of three, page 165 of volume 5. Sorry, 154, I apologise. So as you see there point 6 Mr Matthews is simply listed as a landowner?---Where's it say that?

40 At point 6 and the heading above Mr Reuben Matthews, the landowner? ---Yep.

And further down in point 6 if refers to Angelo Cannuli as the occupier? ---Yep.

And without any mention that Mr Matthews was also the occupier?---For the court proceedings there was, there was no reason to put him down as the occupier. Our council records show him as a landowner, so there was no

reason to put down him as the occupier, in the court proceedings it was irrelevant.

I see. And in relation, on page, on the preceding page even though Mr Cannuli is listed as the occupier - - -?---These statement of facts were put together from conversations and interviews conducted with both, with Mr Matthews, Mr Cannuli and Mr Kabite. We were told by all three gentlemen of what they did on the property as being the occupier, the transporter and the owner. Hence the reason they were facts that were given and that's why they were lodged in the court as a statement of facts.

Did you ever ask Mr Matthews whether Mr Cannuli was an occupier on the property?---I don't believe I did, no.

I see?---He told me that he was on the property to sort it out to put greenhouses together, to, to install - - -

That's Mr Cannuli when you said he?---No Mr Matthews.

Mr Matthews?---Yes.

I suggest that Mr Matthews didn't tell you that?---Well I'm saying that he did.

I see. And I also suggest to you that after the three offenders, Mr Matthews, Mr Cannuli, Mr Baite had been sentenced - - -?---When you say Baite are we talking about Nosir, because there's a few - - -

Let me call him Nosir?---Yeah, because there's a few different surnames, so - - -

Well I'll refer to him - - -?---As Nosir.

- - - Nosir, the transporter?---Yep.

That after the hearing both you and Frank - - -?---I and Frank - - -

You and Mr Luna - - -?---I'm sorry?

- - - approached my client in the company of the other defendants and expressed how shocked you were about how high the fine and that they should appeal?---We showed our surprise of how high the fines were, being that it was our first prosecution. We never made any recommendation about appeal. A female legal person walked out of the courthouse at the same time and she made recommendations to all three gentlemen being Mr Matthews, Nosir and Cannuli and handed them a business card and said that that was ridiculous and you should appeal it. So it was the female legal person who gave them that advice. We never said that they should appeal it,

but yes, we were shocked at the amount, as I said because it was our first ever prosecution. So it was kind of (not transcribable) even though the punishment did fit what had taken place, we were a little bit taken back by it. And I do recall that because I remember the, the female was also discussing to them that they'll appeal it back at the, at the local court which we advised both Mr Cannuli, Mr Matthews and Nosir that she doesn't know her legal structure because with an offence like that the only place you can appeal it is the Land Environment Court, not in a local or district court. It has to go to the Land Environment Courts for an appeal.

10

I see. At page 86 of your statement, you accept - - -?---Paragraph 86 or page 86?

Paragraph 86, I'm sorry.---Yeah.

Do you accept there that Mr Matthews's daughter, Renee, sent you a copy of a development application that she said had been submitted to the council?---That's correct.

20

And you say that what was sent to you had no council dates or stamps upon it?---No, and it was altered with liquid paper and other stuff like that on that document.

I see.---Yeah.

But if she was sending you a copy of something she'd mailed to the council and not received a reply, it wouldn't have been expected that it would have been stamped.---Can you repeat that?

30

If she had mailed that application to the council - - -?---Yeah.

- - - and had not received a reply, the copy that she had sent to you, it would hardly be surprising it would not have had stamps from the council?---I think at the time they said they actually went to council and lodged it. I can't remember if she said she'd posted it or if it was lodged.

Yes, but if she had posted it - - -?---Yeah.

40

- - - it wouldn't be surprising there was no - - -?---No. If it was posted and council didn't receive it, and that was her only copy, no, it wouldn't be stamped. But there was a lot of, on the actual form, if I remember correctly, and I think a copy of that was given to ICAC, it showed that where it said "posted" or "delivered", it was altered. It was crossed out and then re-done, so it was quite suspicious.

And just finally, going back again to the statement you took from Mr Matthews.---Yeah.

It's your notebook 57.

MR MACK: Just to correct, it's Mr Luna's.---Mr Luna took the - - -

MR DUNNE: Sorry.---Yeah.

Mr Luna.---Yeah, page 57.

10 It records an answer from Mr Matthews that he was having the landfill on the property because the property is really bad to be able to ride my horses, et cetera. Do you agree with that?---Just trying to find where that - - -

Sorry. That would be at about line 10 and 11.---On page 57?

Yes.---I can't see anything about horses on page 57.

Sorry, when I'm talking about page 57 - - -

20 ASSISTANT COMMISSIONER: Look at the screen.---Oh, sorry. It's the same thing.

Halfway down.

MR DUNNE: Page 57 of the notebook.

ASSISTANT COMMISSIONER: Halfway down on the right-hand side. ---Oh, yeah, yeah. I see that now. Sorry. It's just hard to read Sergio's writing.

30 MR DUNNE: Yes, I know. And in fact even though it says there be able to ride my horses, I think you've said that this was notes that were taken on the property and that could be an error and he could have been referring to his daughter's horses?---Um - - -

Do you have a recollection of him referring to his daughter riding horses?--- The only recollection I have is his daughter is very good at, and he was very proud of his daughter in her saddles because at the time of the interview I believe she was at the Royal Easter Show so we spoke about the saddles. He didn't explain about her riding horses or anything like that.

40

I see. Yes, thank you. No further questions.

ASSISTANT COMMISSIONER: Thank you, Mr Dunne. Mr Rushton, do you want to ask any questions?

MR RUSHTON: No, no questions, thank you.

ASSISTANT COMMISSIONER: No. Thank you. Yes, Mr Patterson.

MR PATTERSON: Thank you, Commissioner. Mr Bono, my name is Patterson and I represent Mr Izzard. Could Mr Bono be shown the photographs, the photograph of the property 100 Martin Road that was put on the screen earlier this morning. I believe it is volume 7, page 11. I think you were asked who took that photograph.---I think I was asked whether that was attached to the email. I don't think I was asked who took the photograph.

10 Do you know who took that photograph?---No, I don't.

Could I suggest to you that Mr Izzard took that photograph?---That could be quite possible, yes.

And if you could be shown subsequent photograph at page, pages 12, 13 14, 15, 16 and 17 of the same volume, I would suggest that they also were taken by Mr Izzard. You wouldn't dispute that?---No, I wouldn't but I can't say for 100 per cent that that's 100 Martin Road though. There's no buildings or, or anything that I can 100 per cent say that that's 100 Martin Road. Craig could have possibly taken those photographs. Normally when – with
20 council cameras we have – the majority of us have a date a time stamp on the bottom of them so it's quite possible that Craig did take those photos.

You wouldn't dispute thought that the photograph at page 11 of that volume is 100 Martin Road. It's referred to in the email?---I can't – it's a photo of dirt. I can't, I can't say that that's 100 Martin Road. I see pictures like that and landfills like that all the time. I can't 100 per cent say that's 100 Martin Road. There's no buildings that can 100 per cent determine to me that that's 100 Martin Road.

30 Very well.---So, no, I can't say that that's - - -

All right. Now, if you could turn to page 29 of your statement, paragraph 29 of your statement. Could I suggest to you that Mr Izzard's primary contact with Liverpool Council was Anna Kypriotis and not yourself?
---Which, which paragraph, sorry?

Paragraph 29.---Oh, yeah, 100 per cent. Craig had more – his first point of call was with Anna.

40 Thank you.---But when I took over – when I started helping Anna out with illegal dumpings I had contact with Craig and plus he'd come to our office and if there was a matter that the job came to me then I'd make communication but Anna was his number 1 point of call, yes.

Yes. And would you agree with me that you had very little contact with Mr Izzard at all?---I wouldn't say very little.

If you could have a look at paragraph 32 of your statement. Would you – you're speaking there of when you attended the Western Sydney Regional Illegal Dumping Squad office to take possession of information.---Yes.

Would you agree with me that you attended those premises at Mr Izzard's invitation?---In the email, if I read them correctly, Craig did – in one of the emails Craig did say to my team leader at the time, Ben Krkach, that your officers are welcome to come down here and pick them up. Yes, I agree to that.

10

Thank you. Now, if you have a look at the next paragraph, 33, when you're talking about downloading information onto a portable thumbdrive.---Sorry, what paragraph?

Paragraph 33.---Yes.

Would you agree with me that you in fact were standing next to Mr Izzard whilst the folders were being downloaded?---Yeah, I was. Yeah, we were talking while he was doing it.

20

And - - ?---And he was asking me, as we were going through the addresses that were on the list that Ben sent, I saw Craig grabbing the folders off – you know how you grab and push them across? Yeah, and we were just having a conversation while doing it, yes.

And did you see data displayed on the computer screen whilst that was happening?---Not that I can remember a hundred per cent, no.

30

Did you check the thumbdrive for data content before you left Mr Izzard's office?---It was a brand-new USB drive.

So you didn't subject it to any check?---Well, what checks do you do? I'm not - - -

Like an attempt to access the data there and then.---Access data there and then from – what do you mean?

On the thumbdrive.---When I got back from - - -

40

No, at Mr Izzard's office.---No. It wasn't my computer. I'm not going to touch his computer.

And how was the disc transported back to your office?---It wasn't a disc. It was a drive. A little thumbdrive, like a USB drive.

How was that transported back to your office?---In my pocket, I think. And we drove back to the office.

Thank you. If you could turn to paragraph 49 of your statement. That arrangement – I'll withdraw that. Are you discussing there the first or the second time that Liverpool Council decided to take back responsibility for the investigation of landfill?---In 47 - - -

Paragraph 49.---I'm referring back to 47 when they originally took it. So the first time they took it back, that arrangement only lasted six months and then Vesna Kerstev, our previous manager, handed the illegal landfills back to the RID Squad. So I'm referring to 47.

10

And are you aware why the work reverted to the RID Squad?---Went back to them?

Yes.---From what I'm aware is because we didn't have the resources.

Because it was to do with the volume of the work?---Absolutely, yes.

Thank you. At paragraph 50 of your statement, you talk about concerns that you commenced to have about perceived lack of formal action being taken.

20

---Yeah.

Did you report those concerns to anyone?---Yes.

To whom did you report them?---Over the past three years we've had different team leaders, different managers. And so I reported, so for example, let's use 405 Willowdene because that's what we've been discussing. If I got a customer request about 405 Willowdene, I'd do some research on it. And then if it was one that continually came up, as it did, I'd bring that to the attention of my team leader and manager. And then I'd look at the Nearmap shots and show that the landfill is still increasing rather than going away and so forth. It wasn't just with landfill jobs. It was with all other types of jobs.

30

And what happened as a result of your raising those concerns with your team leader?---I can only say from what I saw. I didn't think anything got done.

Thank you. Now in paragraph 51 you talk about these properties. If you could just read that to yourself. Are you able to say what properties you are referring to there?---I'd say that'd be referring to the, not all but some of the ones that were on the list that was sent over to Craig, that we requested the files back for. Not all of them, because he wasn't in control of all of them, from what we found out, but the majority of them, yes.

40

Pardon me. Now in paragraph 52, if you could just read that to yourself. You say that you raised your concerns initially with Mr Izzard about the constant complaints?---Yep.

And he continued to assure me that he had issued clean up notices?---Or taken some other type of action.

I want to suggest to you that there was never any such conversation?
---There was conversations on the phone and I believe with a specific property, I'm just trying to remember the address, I think it was, I remember it was a skip bin business, I think it was Brenda, 65 Brenda Avenue. I got that job, I looked into history and I remember going out there once with Anna and there was emails to and fro from myself to Anna and as you
10 pointed out Anna was the first point of call for Craig. So Anna was sending Craig emails, Frank is requesting what is being done about this job? It's come up again, and so forth and so forth. We then took over that property and once again successfully prosecuted them in the Liverpool. Courts.

These concerns that you speak of in paragraph 52?---Yep.

Were they ever raised with Mr Izzard's supervisor, Mr Ryan?---I didn't know Barry Ryan. I raised them with my superiors.

20 All right. You didn't raise them with anybody at Western Sydney RID?---I didn't have any contact with them. My job is to report it – if I've got any issues or any concerns I raise it with my team leader or manager and then it's up to them to escalate it and they should have been in contact with the RID squad.

Thank you. Paragraph 54 of your statement you said, I decided to call Craig Izzard's bluff and told him that I would attend his office with a USB thumb drive to copy the files across. Do you see that?---Yep.

30 I suggest that you never told Mr Izzard any such thing?---What, I didn't call.

You say, I decided to call Mr Izzard's bluff and told him I would attend his office with a USB thumb drive to copy the files across?---Okay. Let me explain that. Then there was a lot of to and fro emails going backwards and forwards from myself, Sophie and then finally our team leader at the time Ben Krkach. Craig sent – at the end of it Craig sent an email back saying that the files are too large, can you come down or send someone down with a drive or whatever and collect them. There was discussion that was had with myself, Sergio Luna, (not transcribable) and Ben Krkach in relation to
40 that email. And Ben was saying, don't worry about it we'll just continue on with it and I said, no, I'm going to call his bluff. I'm going to go down there and pick them up and see what's actually on those files. That's what I'm referring to.

What you're saying is that you initiated it?---Did I initiate what?

Going to Mr Izzard's office?---No, I didn't initiate, Craig initiated by inviting us there to pick it up. My team leader was just going to continue on

with it, as the investigating officer and being given full responsibility for the landfills I wanted to make sure what had already been done with those properties and what hadn't.

Thank you. So you agree with me that Mr Izzard made the invitation to attend and Mr Krkach, if that's how you pronounce it, I'm sorry - - -?---Oh yeah, I don't - - -

10 - - - instructed you to go?---Did he instruct me to go? At first no he didn't want us to go. It was my suggestion and that's why I said no, I'm going to call his bluff and I'm going to go down there and pick them up. And under, then under the directions of Mr Ben Krkach, he sent an email to Craig and said Frank will attend your office, I believe he said, on a Thursday or a Friday.

Have you read Mr Krkach's statement?---No. Only his evidence he gave yesterday.

20 Could I suggest to you that his version is that he instructed you to go?--- Well, I say his version is incorrect.

Thank you.---He didn't want me to go. He wanted us to continue on. And during this conversation, officer Luna was also present and they said, "Don't worry about it, don't worry about it. Just start all over again." And that's why I used that term "I'm going to call his bluff" and said I was going to go down, and said to Ben to send Craig an email that I'll be going down there with officer Le to pick up the information.

30 Thank you. Paragraph 55 of your statement. Can you describe the process of accessing the data on the thumbdrive?---What do you mean? How do you access information?

Did you do it?---Yes.

You were the one?---Yeah.

40 Tell us what you did.---I put the USB into the computer. Went into the little icon where it says My Computer or Computer. Opened it up and then another little thing came up and said Portable Hard-drive or whatever it was. And then I opened it up.

Is it possible that in the course of that process you might have corrupted the material on the disc?---I can't answer that. I'm not a computer whiz. I don't know.

Thank you.---Nothing came up on the screen saying - - -

Thank you.---Normally it comes up with a warning sign, don't do this or don't do that. And that's when I panic, but nothing like that came up.

So you panicked?---No, I'm saying if something does like that come up, then I panic and I get somebody. But nothing like that came up when I opened it. It just automatically opened up and there was about nine separate little folders on the screen. And one by one we clicked to open them. And like I said, some were totally empty and I think one or two had a bit of information. I believe some of the information I showed previously, as I
10 was giving evidence, was some of the stuff on one of those files.

Thank you. But you agree you're not a computer whiz?---Far from it.

So do you agree that it is possible that you may have corrupted the data?
---By pressing buttons and opening something? If it's possible to do that, you're going to have to ask an expert.

You just don't know?---I don't know, no.

20 All right. Now, once you identified that the data was incomplete or absent, what did you do about it?---What did I do about it?

Yes.---I did nothing about it. I had my team leader with me at the time and my manager with me at the time. As far as I'm concerned, it's their responsibility. They were made aware of it and they should have taken action on it and - - -

Do you know if they took any action?---I haven't got the powers to ask what they can do and what they didn't do. It's not my position.
30

All right. I'm sorry to be jumping out of order, but if you could go back to paragraph 35 of your statement. You say the only way you were able to monitor or receive information was to contact Western Sydney RID Squad and request what actions had been taken.---Yes.

Could I suggest to you that in fact there were monthly meetings and more frequent catch-ups held between Mr Izzard and Anna Kyriotis?---At the time Anna and Mark McPhillips were located at Rose Street Depot. Myself and officer Luna were located at Moore Street. Anna and Mark McPhillips
40 were involved in illegal dumping on public land, and Sergio and I were looking after illegal landfills on private land. So it was totally two separate departments.

So in paragraph 36, when you say "Craig Izzard would usually tell us," he really didn't tell you much at all, did he?---Yes, because, like I said, once I received a complaint and it went on our pathway system, it would have come up that the comments would have been referred to the RID Squad, Craig Izzard or so forth, so forth. And if I saw that on a previous request on

the same property, I'd ring Craig up and say, "Craig, I just got issued another job about that property. What have you done about it, what haven't you done about it?" So that was the conversations that we had. Before we took over the landfill I'd do the same thing and say, "Craig, we just got another complaint. Can you deal with it?" And then we'd put notes in there "referred to RID Squad, Craig Izzard", and close off the job.

Notwithstanding that Mr Izzard's main point of contact was Anna Kypriotis?---For illegal dumping on public land, yes, that's correct.

10

Now, paragraph 47 of your statement.---Can I just go back to those meetings. We weren't privileged to any of those meetings. It was about illegal dumping on the side of the road and stuff so - - -

Thank you. Now, at paragraph 47 of your statement you say I am aware of a meeting that occurred sometime between 2002 and 2003.---No, 2012 and 2013. I haven't got it up on the page yet but I've - - -

20

Sorry, 2012/2013 between a number of people.---Well, paragraph - - -

You'd agree that you weren't present at that meeting?---Sorry, can I just get the paragraph again.

Paragraph 47.---Yeah.

All right. Do you agree that you weren't present at that meeting?---No, I wasn't.

30

If you could have a look at paragraph 76 of your statement. You were directed to this paragraph previously. You say that meeting took place after the matters was mentioned in the Liverpool, in the Liverpool Local Court. ---Yeah, and I think I - - -

And they wished to discuss the court matter.---Yeah - - -

40

That can't be correct, can it?---No, and I think I corrected that when I was questioned by the Counsel Assisting that there may have been an error on that date. I think I've already said that. I'm not 100 per cent sure but if I didn't there may be an error on that date because the court attendance notice was for June I believe it was.

Now, paragraph 77 you say if Craig Izzard has been helping you.---Yeah.

You agree that it was you that raised the subject of Craig Izzard?---Yes.

Yes. Now, it's been put to you that at the meeting at Carnes Hill when you delivered the court attendance notices - - -.---Yeah.

- - - that you suggested to the three gentlemen present that they simply plead guilty.---Did I put that to them?

It's been suggested to you that that's what happened.---No.

You deny that?---Yes.

10 You deny suggesting that they simply plead guilty?---No, I would have – possibly would have given them an option. Once they seek legal advice that there's two ways they can go about it. One is to plead guilty with an explanation or one is to plead not guilty and then have a hearing on the matter. They're the two options that they've got.

You've read Mr Cannuli's record of interview.---No, like I said I briefly swifited through it.

I'm sorry?---I briefly swifited through it. I haven't read it 100 per cent, no.

20 I suggest to you that Mr Cannuli says you told the three of them that they did not need a solicitor.---No, that's not true. I would not have given that advice.

Because if you did give that advice it would be most improper wouldn't it? ---Absolutely.

Now, paragraph 78 you record words used by Nosir Baite and Andy Cannuli.---Yeah.

30 Do you agree with me that according to your statement neither of those gentlemen mentioned Mr Izzard?---What do you mean by, by that, what do you want me to say?

You agree with me that neither of them mentioned Mr Izzard by name according to your statement?---In that particular part of the conversation, no.

40 Thank you. Now do you also agree, if you could have a look at Exhibit 10. The record of interview with Mr Matthews on 10 March, 2015. Do you also agree that Mr Izzard is not recorded as having been mentioned in that conversation?---No. As I previously stated it was irrelevant to the, to the court matter and the proceedings for court. So it was, we had - - -

You haven't recorded anything about Mr Izzard in that conversation?---Not for the purpose of - - -

No?--- - - - that interview, no.

No?---In general conversation, yes, it was.

And you've already agreed that that statement doesn't fully record or that document doesn't fully record the conversation?---The document fully records all the information necessary for the court matter. Like I said the interview went for an hour and there's 10 questions. It doesn't take one hour to ask questions, 10 questions. So there was a lot of general conversation. We don't go in as Nazis when we do a statement.

10 I'm sure you don't?---We go in there we'll have a conversation. Where we feel a relevant question a going to be asked we write that question down and we write the answer down that the person that we're interviewing has given us. If it's about what they did on the weekend for example, we, we don't write it down.

But if it - - -?---Actions, actions that Craig had taken on that property was totally irrelevant to the interview being used in court.

20 But if there was anything of relevance you would've recorded it?---To do with the proceedings for the landfill at the property, yes.

Now if you have a look at photograph – because that's your normal practice, isn't it, to make accurate records?---Yeah. But whether or not Craig had issued a clean-up notice previously was irrelevant to the court matter.

30 All right. And have a look at photograph 89 in which you record your conversation with or extracts of your conversation with Mr Barillaro and specifically halfway down the page. Barillaro said "I met Craig out the front of my property and he said", and then you record what was stated?---Yeah.

Did you ask Mr Barillaro when that meeting took place?---No.

Did you not think that that was relevant to ask?---Like I said I was in a bit of a shock at the time. And it was just bang, bang, bang and then to Mr Barillaro's credit he decided not to say anything further on this.

You say that you were shocked?---Yes.

40 Why were you shocked?---When you hear someone that you know, well you hear an allegation that someone has asked for money and someone that you know and you've met on a regular basis it was quite a shock. Hearing that about Craig, known Craig as like I said as I grew up and he was a footballer and then working with him there, it was, it was a shock to me.

Yeah. And because that was – would've been totally out of character for Izzard to do something like that as far as you knew wouldn't it?---From - - -

From your observations of him and your experience of working with him you would be totally shocked?---I'd be totally shocked hearing it from anybody - - -

Yes. And - - -?--- - - - to do something like that.

10 And in your opinion it would've been totally out of character?---I wouldn't say out of character because I don't know his character. But like I said hearing something like that about anybody that you've had any personal contact was - in our industry that we do, I was quite disgusted and shocked.

Did you think it was unlikely to be true?---Anything is unlikely to be true until there's - what do they say, innocent until proven guilty I'd say.

Because, indeed. Because you also record that Mr Barillaro allegedly said to you he was a shit football player. And you know that's not true, don't you?---That's a personal opinion. I didn't think he was a shit football player.

20 Well we're talking about a man that played 174 first grade games?---I was just answering your question. That's a personal opinion. In my opinion he wasn't a shit football player - - -

No?--- - - - I thought he was great football player.

Right. So you did - - -?---But in somebody else's opinion I don't like every football player that you like and - - -

30 But you didn't think that that part of the statement was true?---Yeah I did, it's his opinion.

But you didn't agree with it?---But that's my personal opinion.

Or give it any credence?---Everyone has a right to their opinion and that's what makes the world go around I suppose, but - - -

40 And when he, and when you go on to record that Mr Barillaro said, he was corrupt when he was a copper as well. You didn't believe that did you? ---Well there was no evidence to prove that, but I can't say - - -

We're talking about a man who devoted 15 years of his life to service in the police force?---Well to be honest with you until I heard that I didn't know Craig was a police officer. I knew him as a football player.

All right?---It was only later on that I found out that he was a police officer. Until then I just thought he played rugby league.

All right. If you would have a look at Exhibit 11. This records the meeting which you - in part it records the meeting which you had on 18 May, 2015 with Mr Barillaro. Is that document in your handwriting?---No.

Who wrote it?---That's Sergio Luna.

Who was that?---Sergio Luna.

And you were present?---Yes.

10

And where - I'll just take you to page 120, about six lines from the bottom. Where Mr Luna has written, Person stated to council, I think, but it must be council officers. Would you agree?---Yeah, yeah.

That because he refused to pay the money that Mr Izzard contacted council regarding the landfill on this property?---Yep.

So what's being stated there is that Mr Izzard, because if I can interpolate, because Mr Barillaro refused to agree to pay Mr Izzard money - - -?---Yep.

20

- - - that Mr Izzard reported Mr Barillaro to the council?---That's what he's saying there, yes.

Yes?---And that probably when Counsel Assisting asked me that question about where that job came through and that I had in my statement that it came from the Western Sydney Regional Illegal Dumping squad - - -

Yes, thank you, thank you?--- - - - it could be possible.

30 Thank you Mr Bono. Would you agree with me that that suggested scenario would be so unlikely as to be ludicrous?---What do you mean by that?

That if Mr Izzard in fact had solicited a bribe from Mr Barillaro and Mr Barillaro refused to accede to that improper demand that Mr Izzard would then have lodged a complaint with, with the council about Mr Barillaro?---I can't comment on what actions Craig or anybody else could have done in that situation.

40 I put it to you that that is so inherently unlikely as to be impossible?---In my line of work the complaints that we get over just normal neighbour disputes, no it's not highly unlikely. People will complain about someone because they've parked their car on their nature strip. So no, it's not highly unlikely. It's very possible.

Did it occur to you that Mr Barillaro might be telling you a pack of lies? ---Quite possibly. But it's my duty if that's - - -

You agree, you agree that he could have been telling you a pack of lies?

---Yes. But once I received that information regardless if it's true or false, it's my duty to report it to my seniors.

It's not suggesting it isn't?---Yep. So if I get that type of information or any other type of information like that, my duty is to report it to my seniors and then they take action whatever it may be.

Thank you?---Whether it's true or false I can't, I'm not judge and jury, I can't determine if it's true or false.

10

No, thank you. No further questions, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Anything arising Mr Mack.

MR MACK: Commissioner - - -

THE WITNESS: Commissioner, can I just stand for a bit because my knee, I've got a bad knee so is it okay if I stand?

20

ASSISTANT COMMISSIONER: Yes, yes, sure, sure. Just feel free to sit and stand as you feel you need to?---Thank you.

Yes, Mr Mack.

MR MACK: Mr Bono, I just want to clear up precisely what's been said by Mr Matthews and Mr Cannuli in relation to a conversation that's alleged to have happened either at the Black Rose Café or at a café in Carnes Hill so I'm going to take you to passage - - ----Yeah.

30

- - - and read it out to you and then we can be crystal clear - - ----Yeah.

- - - what's been said. If the witness can be shown volume 14, page 99, and this is a statement of a record of interview for Mr Cannuli and he says, and you'll see the numbers on the left-hand side, it's 510 at about line 10, "That particular time there was Nosir, myself and Reuben. When we got there I think Nosir got a call or I might have got a call, anyway, either Nosir or I got a call that Serge and this Bono was doing a job here at Carnes Hill. He said can we meet him at the centre at Carnes Hill which we've said okay, fine".---Yeah.

40

Just pausing there. Does that refresh your memory in relation to how you - - -?---Okay. We were supposed to meet at Black Rose Café.

For the second time?---For the second time.

Yes.---Sergio and I got called out at a job in the Carnes Hill area.

Yes.---I can't remember who made the phone call to who but then we decided because it was closer to Carnes Hill if they could make their way to Carnes Hill and we'll meet at Carnes Hill rather than Black Rose because we were, we were closer to that point.

All right. So you accept that Mr Cannuli, dropping down, drove from Liverpool to Carnes Hill, that accords with that?---100 per cent, yeah. That's true.

10

All right. Okay. Mr Cannuli then says, "We got there, had a coffee and then Sergio gave us three envelopes." Can you recall whether or not it was – first of all, can you recall whether or not there were envelopes?---Yes, there were envelopes.

And were there three of them?---Yes.

And can you recall if Sergio gave them to - - -?---Not 100 per cent sure if Sergio gave them.

20

All right. So it could have been - - -?---Because when we got there I believe Nosir got there roughly the same time as we were so we already grabbed a cup of coffee and then a few minutes later Reuben and Andy turned up.

All right. And next sentence, "One for me, one for Reuben, one for Nosir to go to court and I said", this is Mr Cannuli, "What's this for?" And he said, "Oh, look." He said, "That's only – I don't know protocol or council. You know, you've got to go to court because you are dumping dirt on this farm'." Just pausing there. Can you recall saying those words?---No.

30

Can you recall Mr Luna saying those words?---No.

All right. And then this is either yourself or Mr Luna, "You'll probably get a small fine but don't worry about it." Can you recall saying that?---No.

Can you recall Mr Luna saying that?---No. We would never – from day to day, from magistrate to magistrate the penalties – like I said, we've successfully prosecuted over 20 transporters, property owners and their fines range from \$3,000 up to \$80,000 plus \$1 million to clean up the property so for us to make an assumption that you're going to get a small fine and plus being that it's the first one we would never have said that.

40

Okay. All right. And then Mr Cannuli says, "He", in reference to either you or Mr Luna, "He conned the arse off us because we went to court and plus I said", this is Mr Cannuli, "Do we need, you know, do we need a barrister, solicitor or something?" And then either you or Mr Luna said, "No, no, no. You only go to court because you are dumping some dirt there and the judge will sort it all out. In the meantime we'll get the DA approval

for youse and all of this sort of thing. Go to bloody court. Reuben got fined” – so sorry, just dropping back a bit. “In the meantime we’ll get the DA approval for youse and all this sort of thing.” Do you recall saying those words or do you recall Mr Luna saying those words?---No, not at all. There was no discussion about – as far as Reuben was concerned he had already put his DA in which we advised that it wasn’t with council and for us seeing the extent of that property and the amount of fill there’s no way in the world that we would have said those words to him.

10 Okay. And that’s what Mr Cannuli alleges happened at Carnes Hill.
---Yeah.

I’ll take you now to what Mr Matthews - - ----Can I just clarify one thing on there.

Absolutely.---Because it’s been brought up in - - -

Yes.--- - - - in the inquiry so far. I think in opening it said that Mr Matthews was fined \$55,000.

20

Yes.---That was incorrect. He was fined \$50,000.

\$50,000.---Nosir was fined 25,000 and Andy was fined 5,000.

In the opening I think I said 55 for - - -?---Reuben and 25 for Nosir and no fine, you didn’t mention a fine for Andy Cannuli. So just clarify Reuben only got, not only, but it was a \$50,000 fine not a \$55,000 fine.

30 Thank you for clearing that up. If you could now go to volume 15 at page 88. And this is Mr Matthew’s record of interview. And there’s a question from Mr Kane and it says, “Was it Frank Bono?” And then Mr Matthews says, “That’s it, that’s it”. Wanted to meet at the coffee shop just down from Liverpool Council and I said what for and he said, I don’t know. I said, okay so I drove there and the only person that was there was Andy and he said, oh the location has been changed. Was the location changed on the first occasion you met at the Black Rose Café?---I think, I can’t be 100 percent sure, but I think Mr Matthews is talking about the second one where as I explained previously we were supposed to meet at Black Rose and then it got changed to Carnes Hill. So I believe he’s discussing that they went
40 from Black Rose and came to Carnes Hill because we changed the location.

All right. And then he says, we now got to meet at a different shopping centre at a coffee shop so we got in the car, he got in his car and we drove down and followed him. When I got there Sergio, Frank and Nosir were there having a coffee. Is that correct?---Yeah, that’s what I said previously, that Nosir was, got there roughly the same time as us and then Andy and Reuben got there later on.

All right. Andy then went and got a coffee. I and Mr Matthews didn't get a coffee and then Mr Matthews said, "What are we here for?" And Sergio's handed each of us a letter and he said, "Open it up and read it." So I opened it up, read it and it was to appear in court on a certain date. And then Mr Matthews said, "Well what's this about?" And he said, and I'm taking that as a reference to you, "Don't worry about it. What will happen is that you'll just go there, the magistrate will ask you if you're guilty or not, just say yeah." Did you say that to Mr Matthews?---No.

- 10 Okay. And then Mr Matthews said, "Do I need a solicitor?" And then you say, "No. Just say you're guilty." And I said, "Guilty of what?" And to cut another long story short as far as I'm concerned I'm guilty of anything because I didn't have a friggen DA right. Do you recall any of that conversation?---I would never say anything like that.

And one final line of questioning. You said, there was a discussion before of calling Mr Izzard's bluff and there was discussion back at the Liverpool City Council offices about the utility and the wisdom of you going to St Marys and trying to download the documents?---Yes.

20

Was that discussion around concern over your safety in going to St Marys? ---No. It was my concern about finally getting that information that we needed to continue on with the investigation.

All right. Would you accept that it took a fair bit of courage to go to St Marys and download files from Mr Izzard's computer?—I've always got along pretty good, well in my opinion I always got along well with Craig and respected Craig.

- 30 All right?---So there was never any fear for my safety. The only reason I went with, with Sophie is to witness that we did get it from him, but there was no fear of safety from Craig at all.

All right. All right. Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Is there any reason he can't be excused? Now you're excused. Thank you for coming?---Thank you Commissioner.

40

<THE WITNESS EXCUSED

[12.59pm]

ASSISTANT COMMISSIONER: Well I see it's almost 1 o'clock so we'll adjourn until 2.00.

LUNCHEON ADJOURNMENT

[12.59pm]