

SCANIAPUB00331  
26/08/2016

SCANIA  
pp 00331-00375

PUBLIC  
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

Reference: Operation E15/0978

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 26 AUGUST, 2016

AT 2.05PM

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

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

ASSISTANT COMMISSIONER: Mr Barillaro?---Yes.

You're still on the same oath you took to tell the truth?---Yes.

And you're still protected by the order that I made?---Yes.

And Mr Crawford-Fish is here appearing for you. Thank you?---Thank you.

10 <ANTONIO BARILLARO, on former oath [2.03pm]

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Mr Barillaro, you will recall giving some evidence yesterday in relation to this inquiry. What I want to do today is to try and be a bit clearer about the questions I'm asking you and if at any time something is unclear or you're not sure what I'm asking either signal to Mr Crawford-Fish or signal to me and I can attempt to break it down?---Okay.

20

You will recall yesterday that you gave evidence that you had never met the person who's sitting behind me in the court who you now identify as Craig Izzard, do you recall giving that evidence?---Yes, I did.

You know a NRL football player by the name of Craig Izzard, is that correct?---Yes, from what I heard, yes.

And have you ever met somebody who you thought was that football player?---Possibly.

30

Possibly. And can you say that the person in the inquiry today is that the person you think is the football player who is Craig Izzard?---Can you say that again?

The person you can see behind me today is that the person you know as Craig Izzard the football player?---That's correct.

40 Yes. So if there was a possibility that you had met somebody previously who was Craig Izzard the football player, that would be the person who's sitting behind me now, is that correct?---When I had an encounter with him?

Yes.---I can't exactly say.

But at the time you had the encounter - - -?---Yeah.

- - - did you think that - - -?---I presumed that that person was Craig Izzard, yes.

Okay. I understand. All right. I'm going to take you to your compulsory examination and do you know what I mean when I say compulsory examination?---Yes.

Okay. Commissioner, to avoid any doubt I ask that the suppression order under section 112 of the ICAC Act is lifted, an order under section 112 is lifted to allow the publication of Mr Barillaro's compulsory examination.

ASSISTANT COMMISSIONER: I make that order.

10

**SUPPRESSION ORDER UNDER SECTION 112 OF THE ICAC ACT IS LIFTED TO ALLOW THE PUBLICATION OF MR BARILLARO'S COMPULSORY EXAMINATION.**

MR MACK: So if Mr Barillaro can be shown the first page of the compulsory examination on the screen. There's a – Mr Barillaro, would it assist you if you had a hard copy in front of you or are you happy to follow from the screen because we'll be going through this document quite a bit? ---Actually a hard copy would be good.

20

A hard copy. Okay. There will be one here.---Thank you.

Okay. I want you to turn to page 6 and you'll see the numbers down at the bottom right-hand corner. It says 6pt. Do you see that?---Yes, I do.

30

And there's a question that's asked of you at the very bottom line, "Do you know a person called Craig Izzard?" And you answer, "Met him once. Yes, I do." Is that a truthful statement?---Yes, it is.

Okay. And over the page, page 7 at the very top it says, there's a question asked, "Well, how do you know Mr Izzard?" And you answer, "Approached me out at my site at 110 at 100 Martin Road." Do you see that?---Yes, I do.

Is that a truthful statement?---Yes, I believe so.

40

And then the question is asked, "What took place then?" And your reply is, "Was questioning about the material that was onsite which I then went forward and explained to him that I have a DA, a DA approved for cut and fill where he presented it as if it was dumped material. I said, 'You're more than welcome to take tests.' Pretty much turned around and said if I pay a certain amount of money – I told him straight up no and told him to get off my site." Is that a correct statement?---To the person that I presume was Craig Izzard, I can't – what I do recall him always saying he can make it go away.

Okay. So you recall the person you presume to be Mr Izzard say something in relation to the payment of money?---I'd say, yes, along those lines.

Yes. Okay. So you accept that what you said at page 7 around about line 3 to line 10 is the truth?---Yes. Yes.

And then the next question is "Had you met Mr Izzard prior to that occasion"? And then your answer is "No, not that I know of", is that true?  
---That's correct.

10

And in answer to a question "Had you had any dealings with him"? You say "No". "And then prior to that occasion"? "No". And then the questions put to you "Did he", that's Mr Izzard or the person you presume is Mr Izzard "turn up out of the blue on that occasion or was there some arrangement"? And then you answer "He came past previously looking for me". Just pausing there. That's a little inconsistent with the previous two answers. Can you recall Mr Izzard coming past previously and looking for you this is prior to your face to face conversation?---I can't recall.

20

And I'll just – I'll read out the next one to you. You said. "He came past previously looking for me and then we did make an arrangement to meet". Did you ever - - -?---That's correct, yes.

Okay. I just want to explore that a little bit more with you. When you made the arrangement to meet was that on the phone or did he knock on your door, did you see him face to face, what happened how did you make an arrangement to meet?---If I can recall it was by the phone.

30

It's by the phone?---Yeah.

So just to summarise. Mr Izzard and you had a phone conversation where you arranged to meet and then you subsequently did meet and he said words to you at line 3 to line 10 there, is that correct?---What page, page 8?

Page 7, it's the passage I just took you to before?---So you're referring to if I've met him before?

40

Sorry, I'll do that again. You accept that you had a face to face conversation, correct?---Yes.

And prior to that you had a phone conversation?---I can't recall but, yes, there would've been.

And in the phone conversation you arranged to meet him face to face?---(No Audible Reply)

You need to answer for the transcription?---Yes, yes.

And then when you met face to face the conversation that's recorded at page 7 there took place, is that correct, page 7 at the top?---Yes.

Okay. So I'm going to refer to that conversation as a conversation, as the face to face conversation, do you understand?---Yes.

That I'm going to refer to that?---Yes.

10 And the phone conversation where you arranged to meet for the face to face conversation, I'm going to call that the first phone conversation. Do you understand?---Okay, yes.

Can you see halfway down the page, sorry, I'll give you the reference. At line, can you see 20 on the side there?---Yes.

And in answer to – this is the answer you gave it says "As far as I remember it was, it was a while, a couple of years ago I think it was so, yeah". Do you see that?---Line 20 or 30?

20 The line before 20 so it's 19. "As far as I remember it was, it was a while, a couple of years ago I think it was so, yeah"?---I can't recall the exact date.

Yes?---I can't recall the exact date.

All right. But is it accurate, approximately accurate to say that a couple of years ago you had this face to face conversation with Mr Izzard?---That's correct.

30 Thank you. And at line 40 on page 7, you're asked a question about where this face to face conversation took place. And the questions asked, "So you're on site", this is at 110 and your answer is "Yeah". Did the face to face conversation happen at 110 Martin Road?---No, in between 110 and 100.

O.K. So was it - - -?---I don't know the exact spot of the (not transcribable).

Yes.---Yeah, because - - -

40 Okay. But it was somewhere between 100 Martin Road and 110 Martin Road?---That's correct, yes.

Okay. And the question's asked, "And Mr Izzard attended on site, and was he with anyone else?" And you said, "No." Is that correct?---Yes, not that I can recall.

Okay.---Him having someone else with him.

And then you're asked a question about how Mr Izzard introduced himself, and then you answered, "He introduced himself as Craig Izzard from the dumping police." Is that correct?---That's correct.

And then I'll need you to turn to page 8 now. And at the top clarification is sought, and it says, "Dumping police?" And then you say, "Yeah, he handed over his business card. I don't have it." Is that correct? Did Mr Izzard hand you a business card?---Yeah, this particular person handed over his business card as Craig Izzard, yes.

10

ASSISTANT COMMISSIONER: Was he dressed in the RIDS officer's uniform?---Honestly, I can't remember. Definitely wasn't dressed the way this person's dressed today.

Sorry?---He was definitely not dressed the way he's dressed today.

20

MR MACK: And at point 30, if you go back up to the question before point 30, the question's asked, "And on that occasion," that's the occasion of the face-to-face conversation, "how long was Mr Izzard on site in your presence?" And you answered, "10 minutes." Is that correct?---Yes, from what I recall. Could be 20 minutes but it would be within that time frame.

Thank you. And then at about four lines before point 40, you're asked for just who said what, best you can. And then you said, "He said," so that's a reference to Mr Izzard, "It seems to me that you're dumping material on your site."---That's correct.

That's what Mr Izzard said to you?---That particular person, yes.

30

Yes. And then you said to him, "No, I have a DA approved, DA council, to cut and fill the site." Is that what you replied to that person?---That's correct. That's correct.

Okay. And then that person, who you presumed was Mr Izzard, turned around and said, "If you want this to go away." Did he use the words "go away"? Your answer gets interrupted there, but I'm just pausing on the language around "go away".---Yes, (not transcribable) correct.

40

All right. And then you'll see that the Assistant Commissioner says, "Sorry, he could?" And then your answer continues, "If I want this to go away, for him to not keep badgering him about it, he would be more than happy to take payment." Is that what happened?---From what I can remember is that he said if it wanted to go away, and on that time is when I actually said to him, "I don't want to know." Pretty much in those words, "If you want me to make it go away," and I presumed, I took it as face value, yeah.

Okay. I just want you to look away from the paper at the moment, Mr Barillaro.---Yeah.

I just want to make it crystal clear that nobody is suggesting that you ever paid any money to Mr Izzard.---Okay.

What's being suggested is that Mr Izzard asked you for money and there's no suggestion that you then subsequently paid money to Mr Izzard. Do you understand the difference?---Yes, I do.

10 I just want to make that point clear because you might have been getting confused yesterday - - ----Yes.

- - - when I was using the language of bribe, okay.---Yes.

Okay. So he – you used the word badgering there. Is that your word or the word from the person you presumed was Mr Izzard?---I can't recall actually saying that word but – I can't recall if it was him or myself the badgering. I can't recall saying it actually.

20 Okay. And was the word payment ever used by the person you presumed is Mr Izzard?---No. Like I said before, pretty much I cut him off when he said he'd make it go away which like I said before, I understood as being in some way a bribe.

Some way a?---In some way like a bribe.

A bribe. Okay. And indeed you use the language of a bribe over at page 9 at about line 6. Do you accept that you gave that evidence on 18 July, so this is page 9?---Yeah.

30 And the question is asked, "To your mind what was Mr Izzard doing in that conversation?" And you answers, "A bribe".---Yes.

40 All right. You were then asked the question, "In relation to the site was there any landfill or something there that would give the impression that material had been dumped on the property?" And then you answer, "Not in my eyes because as normal procedure toward DA you need to strip down the vegetation so we had a stockpile of topsoil there that was stripped from the site. It was a normal procedure of construction. You strip down 200 mil or 150 mil, whatever the DA asks you to, of topsoil so you can get to the natural ground".---That's correct.

All right. So it was your understanding that at 100 Martin Place (as said) you had – you were within your rights to cut and fill the property. Is that correct?

---That's correct, yes.

And you said those words in effect to Mr Izzard?---Yes.

And then you offered, or you suggested this to Mr Izzard, "Mate, you're more than welcome to come back, test the site, call the council, do what you've got to do. You're not getting a dollar from me".---I can't recall the actual – me saying the last word about the dollar but definitely regarding them coming back, doing the tests and doing his procedures or whatever has to be done if he thinks that I was doing illegal dumping.

10 And in relation to the final sentence, you're not getting a dollar from me, is it your evidence that you didn't use the word dollar?---Yes, I may have said that.

You may have said dollar?---Yes.

All right. Thank you. Sir, I'm just going to pause there and separate out some interactions with Mr Izzard. As I said, there was the first phone conversation and then the face-to-face conversation. Now I want to move on to another interaction and if you go down to line 35 there's a question about a subsequent meeting with Mr Izzard. Do you see that question?  
---(No Audible Reply)

20

And then you answer, "Yeah." And then the question is put, "How long from the first", and this is my words, "face-to-face meeting until the subsequent meeting?" Then you say, "Look, I'd have to double-check my diary but I'd say about four weeks. Do you recall giving that evidence on 18 July?---Yes, I do.

So - - ?---But I, I had to confirm with the actual – from what I said there regarding the notes that I put in the diary which actually I can't find.

30 Yes. We'll come to that in a second?---Ah hmm.

But at about line 47 you say "And then four weeks later the second meeting was over the phone. He was on site and I wasn't present and there was one of my contractors present where he was trying to stop the process of the DA"?---That's correct.

That's correct. So you had what I will call a second phone conversation with Mr Izzard?---Ah hmm.

40 And that occurred when he was on site at 100 Martin Road, Badgerys Creek?---That's correct.

And one of your contractors was there?---That's correct.

But you were not there?---That's correct.

And you wanted, sorry, I'll withdraw that. At about line 11 the questioner asked you to put a time frame on the second phone conversation with Mr

Izzard and the question is put "Late 2014"? And then you say "I'd have to double check that but, yeah". Sitting here today is it accurate to say that the second phone conversation with Mr Izzard occurred in late 2014?---  
Honestly, I can't recall.

10 You can't recall. You were asked to as best you can word for word describe what happened in that conversation. And you in reply to that say "Pretty much like the first one, but I said to my contractor which is Maystar, "I can double check on that". And the question was "What was that, sorry", from Maystar Haulage. Just pausing there. Maystar Haulage were they working, was a contractor for Maystar Haulage working at 100 Martin Road?---That's correct.

And were they cutting and filling the site at 100 Martin Road?---They were scraping back the vegetation, yeah.

All right. But within - - -?---Within the boundaries of the DA, yeah.

20 Yes, thank you. And this contractor, this is at line 23, said to you on the phone "Your mate's back". Do you recall - - -?---Yes.

And what's your mate a reference to?---In reference to some of them were dumping police – sorry, the dumping squad presumably referring to Craig Izzard.

Okay. And so he must've known that you had previously had an interaction with Mr Izzard?---I'd say so, yes.

30 And how would the contractor have known that you had previously had an interaction with Mr Izzard?---Because I would've told him.

All right. And then you said, sorry, I'll withdraw that. When you told him, what have you told the contractor that Mr Izzard asked you for payment of money - - -?---Where's that?

No, no, this is not on there, I'm just exploring something else with you. When you told the contractor that you knew Mr Izzard did you also tell that contractor that Mr Izzard had asked you - - -?---No.

40 All right. Thank you. You said to the contractor, this is back at line 25. "Put him on the phone, which he did. Got on the phone, he went through the same process in a roundabout way and I just said pretty much 'Forget about it, do what have to do, take me to court". I said "I've done nothing wrong". Do you recall saying those words on the phone - - -?---Yes.

- - - to Mr Izzard, yeah?---Yes, I do.

And then the question is put to you, “Okay, well, as best as you can, what did Mr Izzard say to you on the phone on that occasion?” This is at line 28. And then you answer, “‘If you don’t take my first option,’ which I told him to get stuffed, ‘I can make it harder for you.’” And then you replied, “Just make it harder for me.”---That’s correct.

Okay. In that conversation on the phone, was the word payment ever mentioned?---Not that I recall.

10 And then the question is put to you, “What else was said in that conversation?” And then you said, “That was pretty it and the rest were not nice words.” Is that correct?---I’d say so, yes.

And what do you mean by “not nice words”?---Again, I can’t recall the actual words, what was said at the time.

Okay. And I just want to take you back up to the top of page 10 and you're asked, it’s the very top line, it says, “And so you had a DA application in the machine, we’ll call it, getting processed?” And you answered, “Yeah, ah  
20 hmm.” And then you answered, “That was to build a warehouse.” Is that correct?---That’s correct.

So when you're having this second conversation with Mr Izzard, did you understand that was in relation to your development application for the shed or the warehouse?---Can you repeat that?

Sorry, when you're having this second telephone conversation with Mr Izzard - - -?---Ah hmm.

30 - - - when he says, Mr Izzard says, “I can make it harder for you,” did you take that as a reference to making it harder for you to get a DA for your warehouse?---Yes, I’d say so.

And there’s two separate issues I'm trying to separate out here. There’s one, there’s a development application for a warehouse, and then there’s a separate issue relating to illegal dumping. Do you understand that?---Yes, I do.

40 And this phone conversation you're having with Mr Izzard, in your opinion, did that relate to illegal dumping?---From that phone conversation, yes.

Okay, so when he says he can make it harder for you, I just want to – sorry, I withdraw that. Can you have a look at page 10 of your compulsory examination at about line 45?---Yes.

The question is put in relation to illegal dumping. And then you say, “Yeah, dumping’s gone now. Yeah, nothing to do with it.” And that’s in relation to the same phone conversation. So I’m just exploring with you, in that

phone conversation with Mr Izzard, did it relate to illegal dumping? Or did it relate to a development application in relation to the warehouse?---I honestly thought it related to both.

Okay, all right, so - - -?---One or the other.

So when you say, “Yeah, dumping’s gone now. Yeah, nothing to do with it,” that’s false?---Sorry, can you repeat that again? Was that question, was that the answer that I was giving or - - -

10

Yes, so the answer you give – I’ll take you back up to line 40.---Ah hmm.

The question is, “What else was said?” And then you answered, “That was it.” And then the question was put, “Okay, so fair to say then that conversation was more about the development application?” And you answered, “Yes.” And then the question was put, “As opposed to illegal dumping?” And then you answered, “Yeah, dumping’s gone now. Yeah, nothing to do with it.”---Yeah, from what I can understand, it was more going, the conversation was going more towards not getting my DA approved.

20

Okay.---From what I can understand.

Okay. I just want you to – was it in any way related to illegal dumping?---The conversation?

Yes.---At first I presume it would be.

Yes. I mean this is the phone conversation you were having.---Yes. Yeah. Yeah, it would be from the illegal dumping in his eyes. Yes.

30

And in your eyes?---In my eyes it went from illegal dumping from him saying that I actually dumped illegal landfill to not making it harder for me to get my DA approved.

I understand. So the two issues are related somehow?---Sorry, they aren’t related?

40

They are – the two issues are related?---In my eyes, yes.

Yes. Okay. Thank you. And if you can read at page 11, so this is over the page. I think this is consistent with what – the evidence you’re giving now. At page 11 at a line 29 the question is asked, “What was Mr Izzard asking for?” And then you say, “He never actually – on the second occasion he never asked because in my eyes it was on the phone and he was sort of dancing around the conversation of, you know, collecting money in my eyes so everything that, that he put across to me was more like, you know, I’m going to stop your DA. I’ll do this and everything towards the DA. I’m not

getting it through so, yeah.” Is that what – that’s an accurate description of the second phone conversation?---Yes, yes.

Thank you. I’m just going to move on now to a conversation you had with Frank. Do you know who I mean when I say Frank?---Yes, I do.

And do you understand when I refer to Frank I’m referring to Frank Bono?  
---Yes, yes, I do.

- 10 Okay. At the bottom of page 11 the question is put in relation to your development application, “Had you had any feedback at that stage whether it, that’s the development application was going through the process correctly?” And then you say you then got on the phone and I got a bit of a run around for about two or three weeks and then you pushed for a meeting with Frank Bono and his offsider which I can’t remember. Is that correct?  
---Yes.

Is that what happened?---That’s correct.

- 20 Did you know Frank Bono before - - -?---No.

All right. So when you say you pushed for a meeting with Frank Bono, you’ve pushed – does that mean you pushed for a meeting with somebody in council - - -?---That’s correct. And they - - -

- - - who happened to be Frank Bono?---And they put me on to Frank Bono. That’s correct.

- 30 Thank you. And he also had an offsider which you can’t remember and you described his offsider as a dark fellow. You understand that person to be Mr Luna?---Yes, I do, yes.

Okay. And so Mr Luna and Mr Bono came out to your place and had a conversation with you. Is that correct?---That’s correct.

And your answer at line 9 of page 12 is that that conversation was about the dumping of material and you said come out to the site, inspect the site, which they did.---Can you repeat that again from the start.

- 40 Sorry, I’ll start again. I’ll start again. I’m exploring with you the conversation you had - - -?---Yes.

- - - with Mr Luna and Mr Bono.---Ah hmm.

Just before I get there, did you talk to Mr Bono and Mr Luna on the phone before they came out?---I believe so. I believe I did.

And do you know if you spoke to Mr Bono or Mr Luna?---I think I spoke to Frank Bono.

Frank. Okay. I'll call him Frank as well.---Yeah.

So you said, this is at line 9. I just want you to tell the Commission whether or not this is a truthful statement. You said, this is at line 10, "Come out to the site, inspect the site". That's correct.

10 Do you recall you saying that?--- Yes, I do.

And that was on the phone was it or was that at your place?---That was on the phone.

And that was on the phone to Frank?---Yes, from my – yes.

Okay. And then after that phone conversation they came out to your property. Is that correct?---That's correct.

20 And your property at 100 Martin Road?---That's correct.

And then you say that they had no issues with it. Can you see that in your answer, at line 10? You said, "Come out to the site, inspect the site." And then you say, "Which they did."---Ah hmm.

And then you say, "They had no, they had no issues with it. I was doing it in accordance with the DA. And then I said to them, 'How did you, you know, how did something so simple become so hard?'" Can you recall saying those words to - - -?---Yes.

30 And you said those words to Frank Bono and - - -?---Both of them.

- - - Serge when they went out to your property?---Yes.

And then you say that somebody said something. Can you see that? It says, "He said that we got calls from the dumping police."---That's correct.

Can you recall if that was Frank or if that was Serge?---I can't recall that.

40 And so somebody said to you, "'We got calls from the dumping police that you've been dumping illegal material or dumping material.' And I said, 'That'll be right. That'll be Craig after money.' And I told him to get stuffed." Is that what you said to Frank and Serge when they came to your property?---Yes. I don't recall saying money but I do recall saying if it's come from the dumping police, it would be my meetings, or my meeting and phone conversation with Craig.

Okay. You told the Commission in your compulsory examination on 18 July, 2016 that that would be “Craig after money”. What's the truth? Is that statement wrong? Is that the evidence you gave?---No, it's a correct statement in what I said. It may not have been relevant to the actual question itself, where I've asked the council inspectors how they actually got, you know, how the actual, my DA stopped. And they said it was from the dumping police that they got this information. And I would have said, yeah, Craig, it obviously would have come from Craig, from the dumping police, after money. Yeah, I could say yes.

10

Right. So you agree that you said to Frank and - - -?---Yeah.

- - - his offsider that it would be Craig after money? You need to speak into the - - ----Yes.

Thank you. Sorry, just bear with me. Mr Barillaro, I'm going to ask you to turn to page 16 of that compulsory examination transcript. And at line 34, this question is put to you, “And at that first meeting, the face-to-face meeting on site at Badgerys Creek, how much was Mr Izzard asking for?”  
20 And your answer is, “He started asking and I just said, ‘Stop. I don’t want to know. You want to take it any further, go to council and do what you've got to do.’” Is that an accurate description of what happened at the face-to-face meeting?---Yes.

20

And then the question's put, “Well, how far did he get?” And then you answer, “It didn't get anywhere. He just said, ‘How much are you willing to pay to get it, to make it go away?’” Is that what Mr Izzard or the person you presumed was Mr Izzard said to you in the first face-to-face meeting?---  
30 Yeah, I can recall him saying that he can make it go away and again the actual dollar figure was never mentioned, as I stopped him there, or that particular person.

30

Okay. That's what – the next question that's put to you is, “So that's your evidence now that there was no actual dollar figure?” And you answer, “No.” So - - -?---No, yeah, that's right.

ASSISTANT COMMISSIONER: But was the question asked how much are you willing to pay?---No, it was more like um, again I can make it go away, in those words.

40

MR MACK: So when you said to the Commission on 18 July that Mr Izzard said to you, “How much are you willing to pay,” that was an incorrect statement?---May have not been an accurate statement.

Mr Barillaro, can you turn to page 18 of your compulsory examination transcript. At line 40 – this is in relation to the first face-to-face meeting – the question's put, “He, that's Mr Izzard, turned up with photos of your property?” And you agree that Mr Izzard turned up with photos of your

property. Do you see that?---Sorry, so number 40, is it, I'm asking, I'm saying that he's turned up with photos?

That's the question that's being asked. "He's turned up with photos of your property?"---Yeah.

And then the "Ah hmm," is your reply?---Yes.

10 Do you recall Mr Izzard turning up to your property with photos? Is that true, did Mr Izzard turn up to your property with photos?---Sorry, so are you saying that I did see the photos or that he turned up with the photos?

Well, I'm exploring with you, there was a – this is in relation to the first face-to-face meeting you had - - -?---That's correct.

- - - with Mr Izzard, and the person who's asking you the questions says to you, "He," so read that as Mr Izzard, "turned up with photos of your property?" And then you appear at line 40 to agree with that question? ---And where do I, where do I agree?

20

See where it says A-h h-m-m, ah hmm?---And do you take that as an agree?

Well, I'm asking you?---No.

No. All right. So, all right. I'll ask you now if you could just look at me? ---Yeah.

When you had that first face-to-face meeting with Mr Izzard, did Mr Izzard turn up to your property with photographs?---Not that I can recall.

30

Thank you. There's one final area I want to explore with you in relation to this compulsory examination and it starts at page 20. And the general topic is Mr Bartlett or the person who's asking you questions is asking you questions in relation to a statement that Frank made about the discussion that you had at his property. Do you understand - - -?---Yes.

It gets a bit complicated because we're jumping back in time and conversations but - - -?---Yes, I do understand where you're coming from.

40

And at page 21 at about line 10, the person who's asking you the questions starts going through the statement made by Frank Bono. And it's a fairly dense paragraph but about halfway down there's a sentence that starts "And then it says", and this is in reference to paragraph 89 and page 22 of Frank's statement. It says that "Mr Barillaro said words to us, words to the effect of "You guys aren't from the bloody RID Squad, are you"? And in the statement I replied "No, we are from the Council, why, what's your issue with the RID Squad"? And Barillaro said "Not with the RID with the

expletive Craig, okay". Now thinking back in your mind does that accord with what happened? And then you say "Ah hmm"?---Is it page 22?

Sorry. Page 21?---Okay.

Sorry, I'll start that again?---Yes.

I'm going to do this a different way, Mr Barillaro. And I'm going to take you to Mr Frank Bono's statement?---Yeah.

10

And just ask you a few questions in relation to the statement. And you'll see on the screen in front of you a statement made by Frank, can you see that?--  
-(No Audible Reply)

You can see that, yes?---Yes, I do.

And I'm just going to ask you a series of questions. Whether or not you agree with what happened and you can tell me whether or not you agree what happened. And this is in relation to a meeting at your property at 100  
20 Martin Road with Mr Bono and Mr Luna. And Mr Bono says upon entry at 100 Martin Road, Badgerys Creek and he introduced himself to the land owner, you and explaining the purpose of our visit. You said words to the effect of "You guys aren't from the bloody RID Squad, are you"? Do you recall saying those words?---Yes, I do. I don't know about the RID Squad.

Okay?---Because I know what it refers to would've said the dumping police.

Okay. All right. And then Frank says "No, we're from Council, what's your issue with the RID Squad"? Can you recall Frank saying those words?---  
30 Yes.

And can you recall replying "Not with RID with that cunt Craig". Can you recall saying those words?---Not that word but I do recall saying Craig being from the dumping police.

Okay. And do you recall Frank saying, "Why, what's he done? Whatever you tell us stays here with us"?---Yes, I do remember that.

And do you recall replying, "I met Craig at the front of my property and he  
40 said, 'I know you're bringing landfill in. If you give me 10 grand I can make it go away'." Do you recall saying that?---Not to the effect of money.

Okay.---Money was never spoken.

So what do you say you said to Frank and Serge?---That I had a meeting with, with Craig. He was on the assumption that I was bringing in landfill and I presume that he's looking for a bribe.

Okay. And did Frank then say, "Hang on, are we talking about the same Craig?" Can you recall that?---Yes. If I remember correctly, yes.

And can you recall saying, "Yeah, Craig Izzard. He was a shit football player and he was corrupt when he was a copper as well"?---Not about the corruption because I wasn't aware of it. Just, yes, for the football.

And what about the copper?---No, I didn't know he was a police officer.

10 Okay. Thank you. And then do you recall Frank saying, "What, he came right out and asked for 10 grand"?---No. Never, I never recall him asking me for, for money.

All right.---Or an amount of money. Any money.

20 So money as a concept. If we replaced 10 grand with the word money, would that be an accurate statement of what Frank said, what he came right out and asked for money?---No. He'd always refer to as he'd make it go away so in my eyes I would have considered that as a bribe, may it have been with a favour or money I'm not sure.

Okay. But you can't recall Frank saying words to you, he came out and asked you for 10 grand?---That's correct.

Okay. All right. Go over the next page. Can you recall Frank saying, "Have you ever had any dealing with Craig Izzard before"?---Yes, I do.

30 And can you recall replying, "Yeah, out at my other property before I sold it and I know that my neighbour paid him between 50 and 60 grand." Can you recall saying that?---I do recall about the property and also my neighbour but nothing regarding the amount of money.

Okay. And just pausing there and moving away from what's written on the page for a second, when you say your neighbour, was that your neighbour at 100 Martin or 110 Martin Road or was it your neighbour at another place? ---My neighbour at Willowdene.

40 Okay. And can you recall telling Frank that that comment was in relation to your neighbour at Willowdene? Without looking at the screen.---Yes, I would have said at Willowdene.

And then just looking back at the screen now. Frank said to you, "Are you willing to give us a formal statement?" Do you agree that Frank said those words to you?---Yes, I do.

And then you replied, "If I can remain anonymous I will." Do you recall saying that to Frank?---Yes, I, I do, even though it hasn't happened.

Yes. I understand that. And then Frank says, "I'll speak to council and if they can guarantee your confidentiality would you – confidentiality would you be prepared to put it in writing?" Do you recall him saying that?---Yes, I do.

And then you agreed that you would be prepared to put it in writing?---Yes.

10 Okay. Thank you. I just want to take you to some questions I asked you yesterday, Mr Barillaro, just to clarify what your evidence is and what you say the truth is. Can I take you to page 244 of the transcript at about line 5 the question is put by me, this is at the top, "And do you recall saying in your compulsory examination that you had in fact two interactions with Mr Izzard?" Then you replied, "Conversations, yes." And then I asked, "Two conversations?" "Yeah, one for what happened at Willowdene." Can you recall giving that answer yesterday?---Yes, I do.

20 Did you have a conversation with Mr Izzard at your property in Willowdene?---I recall having a conversation from someone from the dumping police. May have been Craig. I do notice that I refer to someone by the name of Ian.

Yes.---So, yes.

All right. Were you physically present at your property in Willowdene when that conversation happened?---No. No.

Was the person who was speaking to you, were they physically present at your property in Willowdene?---From the conversation I had, yes.

30 You can't say whether or not it was Mr Izzard or somebody called Ian, is that correct?---Yeah. Yes, that's correct.

40 Okay. And I'm going to take you back to your compulsory examination now, just in relation to what you said about Ian. At page 14, at line 40, there's a question, "What dealings did you have with Mr Izzard concerning that property?" And the reference to that property is a reference to your property at Willowdene Avenue. And then you answer, "None, personally. I got contacted by another chap. I can't remember his name but there'd be information there. An Ian or something." Is that a conversation you were referring to yesterday when you said – sorry, I'll take that slowly. When we were having an exchange yesterday about a conversation in relation to your property at Willowdene?---That's correct.

And you accepted that you had a conversation with somebody at Willowdene?---That's correct.

And do you also accept that you had a conversation about your property at Willowdene in your compulsory examination?---Yes.

Is the reference in your compulsory examination, at line 40, also a reference to evidence you gave yesterday? Sorry, I'll start that again.---Yes.

Is that too confusing?---Yeah, I spoke to someone who was presently at my existing property at Willowdene.

Yes.---May it be Craig or may it have been another guy by the name of Ian. I can't exactly remember.

10

Okay.---But, yes.

All right. But you can't recall any other conversations in relation to your property at Willowdene beyond that one conversation?---Yes, that's, that's a hundred per cent.

All right. They're all the questions I have, Commissioner.

ASSISTANT COMMISSIONER: Thank you.

20

Yes, are there any questions apart from Mr Patterson's questions? Yes, Mr Dunne.

MR DUNNE: Yes, I just, Mr – my name is Dunne. I appear for Mr Matthews. I just want to clarify with you some answers you gave to Counsel Assisting about the questions that were asked by you by Mr Bono in paragraph 89 of Mr Bono's statement, and in particular that paragraph carries over to a second page. Have you got that in front of you?---Sorry?

30

It's page 80 of volume 14. Now, you were asked some questions about a response you gave on about the fourth line down, which is recorded in paragraph 89, which alleges that you said to Mr Bono – sorry, that you, that you had said, you said to Mr Bono, "Yeah, and my other property before I sold it and I know that my neighbour paid him between 50 and 60 grand." Do you recall being asked a question about that?---I do.

Do you recall being asked – at this stage do you just recall Counsel Assisting asking you that question?---Yes.

40

And you responded to the effect of, yes, about my neighbour, but nothing about the money. Do you remember saying that?---Can you repeat the question again?

Sure. When you were asked whether what you had, what is recorded in paragraph 89 as to what you said to Mr Bono was accurate - - -?---Ah hmm.

- - - you told Counsel Assisting these words, “Yes, about my neighbour, but nothing about the money.” Do you remember saying that?---No, no, definitely about my neighbour, I can’t recall talking about money.

That’s right. That’s what you told Counsel Assisting?---That’s right.

There’s nothing about the money?---That’s correct.

10 And so you’re saying that you did not tell Mr Bono that your neighbour paid between 50 to 60 grand to Mr Izzard?---No.

Is that right?---That’s correct, I did not tell him.

You agree with that?---Yeah.

And you have no knowledge of your neighbour paying 50 or 60 grand to Mr Izzard. Is that correct?---That’s correct.

20 Thank you.

Those are my questions.

ASSISTANT COMMISSIONER: Yes. Anyone else apart from Mr Patterson?

MR PATTERSON: Thank you, Commission.

ASSISTANT COMMISSIONER: Mr Patterson.

30

MR PATTERSON: Mr Barillaro, Patterson is my name and I represent Mr Izzard. In relation to this telephone conversation, it’s your evidence, is it not, that the word payment was never used?

MR MACK: Can I just – there’s two, two telephone conversations that are in play here.

ASSISTANT COMMISSIONER: Yes.

40 MR MACK: Perhaps if Mr Patterson could identify what telephone conversation he’s referring to.

MR PATTERSON: If I could take the witness to page 10 of his compulsory examination. From about line 28 down.---Sorry, what number was it?

From about line 28 downwards.---Okay.

You were asked questions about that by Mr Mack. And I think in response to Mr Mack's questions you said that the word "payment" was not used? That's correct?---That's correct.

And you said that you can't recall the actual words that were used in the conversation. That's correct, isn't it?---No.

10 ASSISTANT COMMISSIONER: So when you say no, you mean it's not correct or it is correct?---It's not – I do remember the words that were said.

MR PATTERSON: I put it to you that you said in response to Mr Mack, "I can't recall the actual words that were used."---No. I recall that the person I was speaking on the phone has said, always said to me he'd make it go away.

There was no mention of payment and there was no mention of money? ---No, that's correct.

20 Now, if you could go to about line 30 on page 11. You say he never actually – sorry, do you have that?---Yeah. 11, 30?

Yes. Page 11, about line 30.---Yeah.

"He never actually, on the second occasion he never asked because, in my eyes, it was on the phone and he was sort of dancing around the conversation of, you know, collecting money." I put it to you the word money was never mentioned.---By Mr Izzard or myself?

30 Your evidence earlier, in response to Mr Mack, as I recall, is that you said, "Money was not mentioned."---That's correct.

So the words "collecting money" are your interpretation?---Yes.

Those words themselves were not used?---Of "collecting money"? No.

And so if you could go to page 8, about line 44. In response to a question from the Commissioner, you say, "If I want this to go away or him not to keep badgering him about it, he'd be more than happy to take payment."

40 They weren't the terms, they weren't the actual words that were used, were they?---Can you refer to which number? 40, is it?

Your answer was, "If I want this to go away, for him not to keep badgering him about it, he'd be more than happy to take payment." That's your interpretation of what was said, is it not?---Sorry, is it me saying it or I'm just not reading the right paragraph?

ASSISTANT COMMISSIONER: I think what you're being asked is, was the term "payment" used by Mr Izzard?---No, payment was never mentioned.

MR PATTERSON: So you're not telling the Commission that they are Mr Izzard's words?---I can't recall those words.

10 No. Okay. So, the situation really, is it not, is that you're quite hazy about your recollections of these various conversations?---No, I'm a hundred per cent on what he actually said regarding if he wanted me to – if he wants this to go away. And that referred to, in my eyes, a bribe.

I'm sorry? What did you say?---And that referred to as a bribe.

That was your interpretation of what it referred to? But that ultimately is the issue for the Commission to determine.---Yes.

20 Now I want you to think back to the evidence you gave to the Commission yesterday. I'll try and find the transcript reference. Just pardon me, Commissioner. Perhaps I'll do it this way. I have a note of you having said in response to Mr Mack's question "I never met Craig Izzard face to face. Thought I did but didn't. Spoke to him by phone". Is that your recollection with the evidence you gave yesterday?---The, the person that I did meet on site said he was Craig Izzard and presented myself with a – his business card. But if you're referring to the gentleman in, in, in the hearing today I can't recall.

You don't have that business card, do you?---No.

30 And you said earlier in response to a question Mr Mack that you think that you may have met Craig Izzard the footballer, is that correct?---That's correct.

Mr Barillaro, you're not absolutely certain, are you, that this gentleman is the man that you say came to your property?---That's correct, I'm not.

You're not?---I'm not, no.

40 Because I want to put it to you that Mr Izzard has never met you?---Sorry, sorry. Say it again?

I want to put it to you that this gentleman, Mr Izzard, has never met you?--- Is that a question or - - -

I'm just putting that to you. And you can't say whether that's right or not?--- No, I can't.

And just repeating, you can't be certain that this was the gentleman that came to your property?---That's correct.

Thank you. I have no further questions.

ASSISTANT COMMISSIONER: Thank you. Anything arising, Mr Mack?

10 MR MACK: Just one, one question. How many Craig Izzard's do you know, Mr Barillaro or know of?---Know of?

Know of?---One that I've been dealing with, yes.

And that's – he used to play rugby league for the Penrith Panthers, is that correct?---The Craig Izzard that I spoke to was from the Dumping police. I can't recall meeting that particular person. If he refers himself to an ex-football player I'm not sure. But the gentleman that I dealt with over the phone and met face to face it was himself as Craig Izzard with his business card.

20

ASSISTANT COMMISSIONER: Did that business card have Dumping police on it?---I think it did.

And the name?---Sorry?

And the name?---Yes, yes, a 100 per cent.

30 MR MACK: Just one moment, Commissioner. Mr Barillaro, I want to show you a document. I only have one copy. Can it be shown to the witness please?---Yes.

Can you recognise what's depicted in that document?---Yes, it's a business card from the, from the dumping police.

And is that to the best of your recollection similar to the business card that - - -?---Yes.

- - - Mr Izzard gave you. Yes?---Yes.

40 All right. I tender that document, Commissioner, and we'll make copies available.

ASSISTANT COMMISSIONER: Thank you. 18 I think.

**#EXHIBIT 18 – RID SQUAD BUSINESS CARD FOR CRAIG IZZARD**

MR PATTERSON: Could I just object to that please, Commissioner.

ASSISTANT COMMISSIONER: Yes.

MR PATTERSON: The evidence of this witness is that he can't be certain that it was Mr Izzard that came to the property. Mr Mack has just put positively that that document was given to this gentleman by Mr Izzard.

10

MR MACK: No, that's - - -

ASSISTANT COMMISSIONER: I don't think he did. It wasn't put.

MR MACK: That's not how - - -

ASSISTANT COMMISSIONER: It's just that this is a similar document to the document that he received with - - -

20 MR PATTERSON: Given to him by Mr Izzard.

ASSISTANT COMMISSIONER: No, I don't think so.

MR MACK: It's not being tendered on the basis that it's a copy of a document that was given to Mr Barillaro. It's being tendered on the basis that it's similar to the document that was given to Mr Barillaro in the sense that it's a copy of a business card. I can – perhaps if I show Mr Patterson.

30 MR PATTERSON: So long as it's on the basis that it's a copy of the document that was given to Mr Barillaro but it's not being put positively that that document was given to Mr Barillaro by Mr Izzard.

ASSISTANT COMMISSIONER: No, I'm sure that's not the way it was put, Mr Patterson, so it's not being admitted on that basis.

MR PATTERSON: Thank you, Commissioner. Could we see the document?

40 ASSISTANT COMMISSIONER: Yes, certainly.

MR PATTERSON: Could I just observe, Commissioner, that nowhere on the document do the words dumping police appear.

ASSISTANT COMMISSIONER: Certainly. Yes, Mr Mack. Anything else from Mr Barillaro?

MR MACK: No, Commissioner.

ASSISTANT COMMISSIONER: I think Mr Barillaro probably wants to go home. You're excused, Mr Barillaro.---Thank you.

**THE WITNESS EXCUSED**

**[3.22pm]**

ASSISTANT COMMISSIONER: Yes, Mr Mack.

10

MR MACK: Commissioner, it's probably an appropriate time to deal with the status of the compulsory examination transcript in terms of where it sits on the spectrum of evidence in these proceedings. My application is – I'm not seeking to tender the transcript and my preference is that it – well, my application is that it not be made publicly available on the website. However, perhaps if it's marked for identification and - - -

ASSISTANT COMMISSIONER: Has any of it been put on the website?

20

MR MACK: No, Commissioner.

ASSISTANT COMMISSIONER: Does anyone else have anything to say about that? Mr Dunne.

30

MR DUNNE: Commissioner, only insofar as parts of it were specifically referred to in the transcript and because – before the evidence was given there was the blanket removal of the suppression order the normal course of the individual suppressing of that – those parts of the compulsory examination wasn't done. Now, if – unless some order is – additional order is made in relation to those parts of the transcript – sorry, of the compulsory examination that were specifically asked in the transcript is removed there will be issues with the transcript of the examination.

ASSISTANT COMMISSIONER: The order in relation to the compulsory examination was lifted.

MR DUNNE: Yes.

40

ASSISTANT COMMISSIONER: The suppression of it was lifted.

MR DUNNE: If it doesn't, if it does not affect the transcript and the publication of what was on the transcript then I have nothing further to say.

ASSISTANT COMMISSIONER: Okay. Well everybody, all the interested parties are here and are aware of what's in it. There's no objection to it so I'll maintain a suppression of the transcript. It can be marked for identification MFI 2 if you like.

**#MFI 2 - OPERATION SCANIA COMPULSORY EXAMINATION  
TRANSCRIPT OF ANTONIO BARILLARO DATED 18 JULY 2016**

MR MACK: Thank you, Commissioner.

10 MR PATTERSON: Commissioner, could I inquire is that suppression order maintained in relation to references in the transcript to what appeared in the compulsory examination? I may not be quite following what learned counsel is putting.

ASSISTANT COMMISSIONER: The order of suppression of the compulsory examination was lifted.

MR PATTERSON: Yes.

ASSISTANT COMMISSIONER: So it now becomes part of the transcript.

20 MR PATTERSON: So that is published at large?

ASSISTANT COMMISSIONER: Yes.

MR PATTERSON: Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Mack.

30 MR MACK: And just to make it clear, if it's marked at MFI2 and not made publicly available on the website because some MFI's are made publicly available, but if it's - - -

ASSISTANT COMMISSIONER: Yes, yes, not, not on the website.

Yes?

MR MACK: I call Ms Kypriotis, Ms Anna Kypriotis.

MR CRAWFORD-FISH: May I be excused, Commissioner?

40 ASSISTANT COMMISSIONER: Mr Crawford-Fish, thank you for coming.

Ms Kypriotis, just take a seat there.

Will you take an oath or an affirmation?

MS KYPRIOTIS: Oath on the Koran.

ASSISTANT COMMISSIONER: Yes.

ASSISTANT COMMISSIONER: Ms Kypriotis, in the course of giving evidence you might leave yourself open to some problem insofar as civil or criminal liability is concerned, and I can make an order to protect you against any such liability. Would you like me to make such an order?

---Yes.

10 But I do point out that it doesn't protect you against telling lies - - -?

---Ah hmm.

- - - or in the case of public officials it can lead to disciplinary action, just those matters?---Yeah.

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

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

ASSISTANT COMMISSIONER: Yes, Mr Mack.

40 MR MACK: Ms Kypriotis, I'm going to refer to you as Ms Kypriotis. Am I getting that close enough to correct to be - - -?---That's fine, yeah, no, that's, yeah.

Thank you. Well, you might need to just come closer to the microphone?

---Oh, sorry.

Ms Kypriotis, have you sworn a six-page statement in relation to this inquiry?---I think it's six pages, yes.

And you did that on 3 May, 2016?---I can't remember the date but that's probably right.

And have you read that statement recently?---Oh, not properly, no.

Okay. You've been employed at Liverpool City Council since 2007. Is that correct?---Ah, yes, that's right.

10 And you became a full-time ranger in 2009. Is that correct?---Yep, yes.

And your current position is that of an illegal waste officer?---At present, yes, it is.

And have you held that position since 2009?---In 2009 I was employed in the rangers' unit so we did mixed work and part of that included waste, so it wasn't, back then it wasn't actually illegal waste, it was a ranger enforcement role.

20 Okay. And how long have you been an illegal waste officer where it's not mixed with other responsibilities?---We were transferred to the Rowe Street Depot in 2013.

So since - - -?---November 2013.

30 Can you describe your role as an illegal waste officer since 2013?---Our role changed from what it was previously. So what we did basically was illegal dumping on public land. We did do some minor illegal dumping on private property which were just small dumps that could possibly have had ID to assist the resident, but that was our main duty, illegal dumping on public land and asbestos as well.

And in relation to private land, who looked after illegal dumping on private land?---That was in the Community Standards section at that point in, from November 2013 it belonged to the Community Standards which they had a compliance team.

Yes. And are you familiar with the Western Sydney RID Squad?---Yes.

40 And what was their responsibility within Liverpool Council?---From 2013 or before that?

From 2013 first?---With our area it was the illegal dumping on the public areas.

Yes?---And the private areas was allocated by the Community Standards area. So we only allocated from November, 2013, and then were transferred. We allocated jobs to them for public areas, Council's land and then the other area of Council allocated jobs. If they did I'm not sure but

they were responsible for the private areas. Whether they did give them any at that time I don't know. But we were allocating jobs on Council's land. Does that make sense?

I might just try and break that down a little bit?---Yeah. Thank you.

First of all when you say we were allocating?---Yeah.

10 Who are you referring to?---There's myself and there's Officer McPhillips as well.

So since 2013 you and Officer McPhillips - - -?---That's right.

- - - have been allocating jobs - - -?---Yeah.

- - - to the Western Sydney RID Squad - - -?---Yes.

- - - in relation to private land, is that correct?---Public land.

20 In relation to public land?---Public land, yeah.

And you mentioned another department or - - -?---Community Standards.

You mentioned Community Standards?---Yes.

30 Were they also allocating jobs to the Western Sydney RID Squad?---I'm not sure if they were. I do know that the RID Squad was involved with the area but we didn't, we didn't attend anything. Like I wasn't sure what they were allocating to the RID Squad. I only know what we were allocating and that was public land. I don't know if I explained properly? So I'm in City Presentation and we do illegal dumping on public land.

Yes?---And then Community Standard includes compliance and enforcement rangers and parking. And they, they were involved with the RID Squad but I don't know how much involvement there was. Whether they were giving them private – how many jobs they were giving. I know there was a few but I don't know what went on.

40 Okay, okay, okay?---Yeah.

What type of jobs – well, first of all, did you – since 2013 - - -?---Yeah.

- - - did you ever allocate jobs to the Western Sydney RID Squad?---Yeah, yes, I did.

And what were the nature of those jobs?---Off the top of my head most of them were all – I'm sure they public land ones only.

Yes, okay. So you never signed a private land job to the Western Sydney - -  
-?---Not from when we transferred, no, not that I - - -

And what about before you transferred, this a period of time - - -?---Yes.  
Yeah.

10 - - - before November, 2013?---So what happened before was we were only  
the rangers unit then there was a change of roles in the Council so they  
brought the compliance team over. Which did back in I think that was in  
2010, I think. I'm not exactly sure. We didn't do illegal landfill on private  
properties before that.

Illegal landfill on private properties, yes?---Yeah. So landfill on private  
properties that were of a compliance nature - - -

20 Yes?--- - - - were a different department. They were transferred to the  
Rangers Unit. Then they all resigned and the rangers started that role and  
that's when we started allocating jobs of private properties to the RID  
Squad.

Okay. But that practice stopped in 2013?---Whether the compliance, I think  
the compliance team and Community Standard did do that but I don't know  
how many jobs they issued because we were more on the public.

You say – you know Mr Craig Izzard?---Yes, I do.

30 How long have you known Mr Izzard for?---I think it was, I'm not sure but I  
think it was 2010 when he came to Liverpool Council but I'm not 100 per  
cent. I think it was 2010. Because we had a previous officer before Craig  
Izzard.

Okay. And did you ever work with Mr Izzard?---Yes, I have.

And in what capacity?---There was an operation called, I think it was called  
Follow that Truck.

Yes. And what was the nature of your work with - - -?---The operation?

40 Yes?---That was – that involved the, the EPA, the RID Squad, Liverpool  
Council and I think Penrith Council was involved. I'm not a 100 per cent  
sure but I think they were involved as well and we just, you just followed  
trucks and - - -

And what – around about what time was this?---There's been a few where  
other offices have done – but I can't remember when that was.

Okay. So - - -?---There was a few operations that were run.

How many operations have you worked with Mr Izzard on?---I think it was that one and another one that I did with him but it was with Andrew Reece. So it was the same operation but it was – I was with Andrew Reece at the time.

Do you've only worked with Mr Izzard on one operation, is that correct?---I think that's what, yeah. I can't remember, I think it was one.

10 And in your statement at paragraph 6 you say that you worked with Mr Izzard on many investigations, is that - - -?---What, yeah.

Is there an operation and then there's investigations within an operation or can you explain that for me?---I actually did, sorry. I did a – I don't know what the helicopter one's called, we've done that.

20 Surveillance maybe or - - -?---I think that's what it is. Where you get on the helicopter, four people, you fly around and you take photos, and those jobs, I'm not sure where they went because I went off work for a while. But we had addresses. Council was involved with them. But I was more involved in seeing the – like - - -

And did - - -?--- - - - I don't know how to explain it, sorry.

Okay. So sorry, just on the helicopter example - - -?  
---Yeah, yeah.

- - - did you go up in the helicopter with Mr Izzard?---Yep.

30 Yes. And you also worked – and that's separate from Operation Follow That Truck?---That's, yeah, yeah, that's a different operation, yeah, sorry.

So there's at least two occasions - - -?---Yeah.

- - - when you've worked with Mr Izzard, first being in relation to a helicopter surveillance - - -?---Yeah.

- - - and the second being in relation to Operation Follow That Truck. Is that correct?---Yeah, yeah.

40 And are there other occasions in addition to that?---I don't think so, no, sorry.

So there's two occasions?---Yeah, that I can think of, yeah.

And you say in your statement that you found Mr Izzard to be lazy. Is that correct? Was Mr Izzard lazy in your opinion?---Sometimes I thought that but I sometimes have a way words so my definition - - -

So - - -?- - - of lazy is, I don't know if it's different to everybody else's.

Okay. So is your evidence to the Commission that on your understanding of the word lazy - - -?---Yeah.

- - - that Mr Izzard was lazy in relation to - - -?---Well, sometimes I thought that, yes.

10 And when you thought that, was that in relation to the investigations you worked on or was that just a general observation?---It was just a general observation I had because of sometimes in the office some people were frustrated and started venting because there were jobs that had ID and they'd be sent to Council as Council to remove, no ID, and when people used to – the waste crew would come back and say that there was a few jobs that had ID but they were referred back to Council as not having an ID, Council to remove.

Sorry?---Sorry.

20 Just slow down. What do you mean by ID?---Okay. So when you get a dump on public land and you go, you conduct a search of the waste.

Yes?---You find identification, you take photos and you then proceed to investigate the matter.

Yes. And what's the - - -?---And sometimes there were issues where there was ID but it was reported back as not having ID.

30 And you would attach responsibility for the non-reporting of the ID to Mr Izzard. Is that correct?---What was that, sorry?

Did you attach responsibility for not ID-ing to Mr Izzard?---Because they were, they were sent – say for example that was, a job was sent from Mr Izzard and there was ID, the waste crew would go out to pick it up and they'd say there was ID and they'd get frustrated. It happened a few times, they'd get frustrated and vent, so I'd get annoyed and I just thought it was probably, I don't know, laziness or I don't know, I don't know.

40 So are you saying Mr Izzard did ID or did not ID?---These ones said no ID. No ID?---Yeah.

And there was ID?---Yeah, but whether there was, look - - -

All right?--- - - - it came back to us that there was ID, I don't know what happened between him finding it, yeah.

All right. Are you familiar with a property at 405 Willowdene Avenue?

---Yes, I am.

Can the witness be shown volume 5, page 1. Have you seen this document before?---Sorry, can I just read it?

Yes, absolutely?---I think this is, I think this is Steve Gillis's statement.

Yes, and it's dated - - -?---Statement of facts.

10 - - - 31 March, 2012, is it?---Yes, yeah.

And the author says in the company of you, you attended a property known as 435 Willowdene Avenue?---Yes.

And is it your evidence that you went to 435 Willowdene Avenue with Mr Steven Gillis on that occasion?---Yes, I did.

20 And the report says that you observed a large area on the property that is landfill and a large excavator was onsite levelling it?---Yes.

Do you accept that that was what was happening on 31 March?---Yes, it was.

Okay. And then further down there's a paragraph beginning, "Mr Matthews told us that they started last Monday." Sorry, just if the person who's operating the cursor could drop down to the sentence beginning, "Mr Matthews told us." See where the cursor is now?---Yeah, yes, I can.

30 "Mr Matthews told us", that's you and Mr Gillis, "that they started last Monday and he thought about 80-100 truckloads." Can you see that?---Yeah, I can see that, yeah.

Is it your evidence that on 31 March, 2012 Mr Matthews told you that he had up to 100 truckloads worth of fill onto 435 Willowdene?---I can't remember the exact words of that day because I didn't write it down but of Steve wrote it then - - -

40 Can the witness please be shown volume 5, page 40. You will see here that this is a sample receipt notification from the ALS Group.---Yes.

And there's a date that samples were received of 19 April, 2012.---Yes.

And the contact email and contact name is Mr Gillis.---Yes.

To your understanding is this a request for analysis from Mr Gillis in relation to 435 Willowdene Avenue?---Yes, it is.

And do you know when that sample was taken?---It was taken on the day that we attended the property at Willowdene.

On 31 March, 2012?---I think that's the date. I'm not 100 – yeah, I don't know the exact date but, yeah, it was the same day.

Okay. Can the witness be shown volume 5, page 2 and this is a log in relation to 5 July, 2012 and it says that you had an interview with Mr Matthews.---Yes.

10

You and Mr Gillis or the author of this report.---Yes.

Do you recall having that interview?---Yes, I do.

Okay. Can the witness be shown volume 5, page 58. Do you recognise this document?---Yes.

And is it fair to say that this document is a complaint received on 14 June, 2012?---Yes.

20

And you're listed as the inspecting officer?---Yes.

This is about three months after you first went out to the place on 31 March?---I think so, yeah.

Okay. Can the witness be shown the next page of that document and do you see your name there at the top?---Yeah.

And can I just get you to have a read of the entry there at 4 July, 2012.

30

---Sure. Yeah.

And that records, that's you in effect updating the task you've been assigned - - -?---Yes.

- - - through the system. Is that correct?---Yes, it is.

And the reference there to we agreed on Thursday, 5 July, 2012 to meet with Mr Matthews - - -?---Yes.

40

- - - that's a reference to the interview you had – subsequently had with Mr Matthews on 5 July?---I think that's the date, yeah.

All right. And then the next entry is on 9 July and you say that Mr Matthews attending council and spoke with officer Gillis - - -?---Yes.

- - - from the RID Squad and myself in regards to the fill on this property. He was advised that council would not allow him to keep the fill as the samples of fibro came back as positive for asbestos?---Yes.

And he stated he asked for clean fill and I told him that although he has gone to level 2 to see a duty planner he could not keep the fill. The RID Squad advised him he would receive an intention to clean up the illegal fill?---Yes.

Do you recall ever issuing or seeing – first of all do you recall Liverpool City Council issuing an intention to clean up the illegal fill?---No.

10 Do you know why?---Because I wasn't the investigating officer, officer Gillis was.

And do you recall officer Gillis issuing - - -?---No.

And when it says, "The RID Squad advised him he would receive an intention to clean up the illegal fill," is that what Mr Matthews told you and you subsequently recorded?---I believe that was at the time when Steve was interviewing him, Steve Gillis.

20 So that reference to the RID Squad advising Mr Matthews is a reference to Mr Matthews telling Mr Gillis without you present and then Mr Gillis telling you - - -?---Sorry, I'm lost.

Sorry. It's later on a Friday, I'll take it slowly. The final sentence says, "The RID Squad advised him," that's Mr Matthews - - -?---Yes.

- - - "he would receive an intention to clean up, intention to clean up the illegal fill."?---Yeah, yeah.

30 What I'm trying to understand is - - -?---Yeah.

- - - the source of that information about the RID Squad issuing an intention to clean up the illegal fill. Where did that come from?---That was, that would have been – for me, I wrote, "The RID Squad advised him he would receive an intention to clean up illegal fill," that would have come from Officer Gillis because he was the one that conducted the interview.

40 Okay. So how did you – Mr Gillis must have told you at some stage then?  
---I was in the interview at the time when Steve Gillis was talking to Mr Matthews.

Yes?---It was at our office.

Okay. And then the next entry on 21 July - - -?---Mmm.

- - - it says that Mr Matthews attended Council and met with Steven Chong and yourself in regards to his land?---Yeah.

He was advised that he could not level his land without approval and he also removed trees - - -?---Yes.

- - - and has a creek line next to his property?---Yeah.

He was advised he would have to remediate first and his notice would outline this information?---Yes.

Again there's a reference to another notice?---Yeah.

10

Do you know if that notice was ever issued?---Is that in regards to what you just read out?

Yes?---Okay. So what that was, was, because he, Mr Matthews, didn't know what to do, we brought in the planner so he could advise him what he had to do to remediate the land. So Steven Chong is not involved in notices.

20

Yes?---It was just something that we brought him in for, because he was confused and we brought him in 'cause he's a resident and Steven Chong advised him what steps he had to take to remediate the land, but he told him he had to work backwards.

What do you mean by work backwards?---Because he'd already brought fill into the land - - -

30

Yes?--- - - - and altered it, he saw it as, well, instead of starting from the beginning and getting approval, he would then have to work backwards by remediating and doing testing and getting consultants, so he was given all that advice.

And it says that the notice would outline this information. What's the notice a reference to?---Oh, the notice relates back to – because I was told that a notice was going to be issued to Mr Matthews by the RID Squad, normally when we issue a notice it outlines the steps you have to take and methodology, but you have to include methodology of what step he has to take before he remediates, so that's why we told him that the notice would outline that because that's what a clean-up notice does.

40

And the notice, is it reference to a notice that the RID Squad was going to issue?---It was in reference to the RID Squad's notice that they were supposed to issue, 'cause I was only the, assisting because I went along with them, I wasn't the actual investigating officer. We just brought Mr Matthews in 'cause he wanted advice on his land.

And you don't know if that - - -?---No, I don't know.

You don't know if – sorry, I'll withdraw that. Did you ever tell the RID Squad that they need to issue a notice in relation to 435 - - -?---No.

No?---No, I didn't, no.

Right. Can the witness be shown volume 5, page 62, and this is another customer request?---Yeah.

It's dated 14 November, 2014, so this is two years, at least two years since the last entry?---Yes.

10 Can you recall, perhaps if the witness is shown the following page on page 63?---Yeah.

You see your name there, Anna Kypriotis - - -?---Yeah.

- - - 14 November, 2014?---Yes, it is.

Can you recall – sorry. This is in relation to the same property?---Yes.

20 Can you recall any involvement with 435 Willowdene Avenue between 14 June, 2012, sorry, and 14 November, 2014?---No, not after, no, I don't remember going there after that, no.

Okay. So there's in effect been a two and a half year - - -?---Ah hmm.

- - - gap between - - -?---Yes.

- - - your involvement with the property?---Yes.

30 And then your notation on 14 November, 2014, is, "This is private property?"---That's right.

What did you mean by that?---Okay, so what happens is, sometimes customer service puts jobs through to our section and puts them in our name that aren't our responsibilities, so I refer them to the correct section, and that's what I did here, because it was private property I referred it back to the compliance team and they allocate it to an officer.

40 Okay. I'm just going to show you an aerial view of a property at Willowdene Avenue.---Ah hmm.

You recognise this property depicted in this picture?---I'm assuming it's Willowdene Avenue?

Yes, and - - -?---This is an aerial shot.

But do you recognise it? I mean, you give evidence of a property known as 435 Willowdene Avenue. To your knowledge, is this the property at 435 Willowdene Avenue.---I can't tell from this photo.

You can't tell?---Sorry, just an aerial.

Okay. Just about to have another photo brought up onto the screen. See the photo on the bottom?---Yes.

And there's a 405 in front of the gateway.--- Yes.

10 Do you see that? Do you recall, does that refresh your memory in relation to the property you went to in 2012?---That's not the gate that we went into. There's another gate for that property.

Okay. Is that - - -?---That's the gate.

That's the gate. When you went and had a look at a property in 2012 - - -? ---Yes?

- - - that was the gate to that property?---That was the gate.

20 And just for the purpose of the transcript, that's volume 15, page 32 and it's the top photograph. I just want to take you, before I finish, Ms Kypriotis, I want to take you back to that first time you went out onto site.---Yes.

Do you recall, and you recall meeting Mr Matthews?--- Yes.

And also another man by the name of Mr Cannuli? Do you remember that? ---Yeah, I remember him.

30 And what sticks in your memory about Mr Cannuli?---He was rude and arrogant.

In what way?---Instead of – he started talking and he started accusing me of putting the asbestos on the property.

Okay. Because you'd found some?---Because I found fibro, yeah.

And - - -?---So we walked in and I started doing an inspection and - - -

40 Sorry, just to break that down.---Sorry.

When you say "we" it was you and Mr Gillis?---Officer Gillis.

Yes.---I started conducting an inspection while Steve was taking notes and I found fibro in several places. So he started walking towards me and accusing me - - -

He being Mr Cannuli?---Mr Cannuli.

Yes.---Started accusing me of putting this fibro there.

Okay. And what was your reaction to that accusation?---Well, I told him that I didn't. So I got a bit cranky.

And did you take some pictures of the fibro whilst you were there?---I believe it was Steve Gillis that took the photos.

10 Okay. And - - -?---Because I think I was in a few of his photos as well, so I'm sure that Steve took the photographs.

Okay. Can you have a look at volume 5, page 5, please? And you'll see the time stamp on the top picture is 31 March, 2012?---Yes.

And is that one of the pictures, to the best of your knowledge, is that what you understood to be fibro?---Yeah, that's fibro and I believe that's the date. Yeah, because I'm sure it was Steve Gillis's camera.

20 Okay. If the witness can be shown volume 5, page 10. And the picture on the bottom, is that a picture - - -?---That's me.

- - - including you? Yes.---Yes.

Thank you. No further questions, Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Dunne.

30 MR DUNNE: Ms Kypriotis, I'm sorry. My name is Dunne. I represent Mr Matthews. It's fair to say that your experience with 405 Willowdene was restricted to 2012, is that correct?---I believe so.

Because you first went there in March - - -?---I can't remember the date, sorry.

Does it fit in with your recollection that if you started in March when you first went out to Willowdene your involvement would have been over by the end of that year, does that - - -?---Would it have been over?

40 Yes.---It wasn't my investigation so - - -

No, your involvement.---My involvement.

Your participation.---Oh, look, I can't remember, sorry.

I see. I see. In your statement at paragraph 9 your last sentence says, "I never told Matthews to continue with the dumping of landfill on his property".---No, I didn't.

All right. I accept that and I just want to make sure you understand that none of the questions that I ask following suggest - - -?---Okay.

- - - anything else. I fully – Mr Matthews fully accepts - - -?---Yeah, yeah.

- - - that that's the case. Now, you described Mr Cannuli as being rude.  
---Ah hmm.

10 But Mr Matthews wasn't towards you?---No, he wasn't.

And in fact you were quite helpful with Mr Matthews - - -?---Yes, I was.

- - - weren't you?---Ah hmm.

I think you described his presentation at a meeting in July, 21 July as Mr Matthews being confused and wanting some advice as to what he needed to be done. Is that right?---Yes.

20 And you had a couple of meetings with him in 2012.---I think so.

They're listed on that Exhibit 1, page 59.---Yes.

And you were aware that, weren't you, that Mr Matthews wanted to lodge a DA?---He told us that he wanted to lodge a DA.

And during your discussions with him on one occasion did you describe him as a worrier?---A worrier?

30 Reuben, you're such a worrier. Do you remember using those words to him?---A who?

Sorry?---What, what words was that?

Mr Matthew's first name is Reuben.---Yeah.

Do you recall using the words in one of the discussions with him along the lines of Reuben, you're a worrier, do you remember saying?---I don't use the word worrier.

40

So if I was to suggest to you that in November towards the end of the year after Mr Matthews had called the council to find out what was happening with the DA and he didn't initially speak to you but he subsequently received a phone call from you firstly, do you agree with that?---I can't remember.

Can't remember but you don't disagree with that?---If you keep telling me I can answer it.

I see. And in that conversation without any guarantees about the DA being approved and without any comments about him being allowed to continue with the landfill, you said words to the effect of, "Hi, Reuben. Everything is okay. Stop worrying, Reuben. You're such a worrier".---I don't remember saying that.

You could have said that?---I don't think – not in so many words, no.

10 Something similar?---I don't think so.

I see. And do you recall, do you recall ever seeing a DA being lodged by Mr Matthews?---I'm not in that – involved in that area so - - -

So you wouldn't have seen - - -?--- - - - I can't answer that.

In any of your discussions that you had with Mr Matthews in 2012 do you recall him telling you that he had lodged a DA?---No.

20 Thank you. No further questions.

ASSISTANT COMMISSIONER: does anyone else want to ask Ms Kypriotis any questions?

MR PATTERSON: I note the time, Commissioner, but I'll be very short.

ASSISTANT COMMISSIONER: Yes, Mr Patterson.

30 MR PATTERSON: If there's no one else. Ms Kypriotis, my name is Patterson. I represent Mr Izzard. You joined the council in 2007.---Yeah, as a casual.

Would you accept from me that Mr Izzard in the first 12 months of his employment with RID was attached to Bankstown not to Liverpool?  
---Yeah, he was attached to Bankstown but I don't know what year it was.

Thank you. Paragraph 6 of your statement you say "I found him to be very lazy". Did you also know him to be very busy?---We were all busy, yes.

40 Just generally, are you able to comment in relation to the or say how many management restructures have taken place at Liverpool City Council over say the past five years?---Major restructures, there was quite a few.

Quite a few?---Yes.

Paragraph 13 of your statement. Do you agree with me that Mr Izzard contacted you asking why you were not returning Nosir's calls?---When was that?

You say in paragraph 13, "I have since spoken to Taleb on a number of occasions - - -?---Yes.

- - - from early 2016 where he wanted to give me information about illegal dumping by other people"?---Mr Taleb did, yes.

Yes. And do you agree with me that Mr Izzard had occasion to speak to you about that?---Yes.

10

About unreturned calls?---Yes.

Thank you?---From Mr Taleb, yes, that's right?

Yes?---Yes.

Paragraph, and finally, in relation to paragraph 14 of your statement, if you just briefly have a look at that?---14?

20

14. Would you agree with me that RID Squad officers - - -?---Yeah.

- - - are under no obligation to inform Council of the outcomes of their investigations?---We normally get a – to close the matter on our systems we normally get something brief of what action was taken but we don't get who the offender was and information like that.

But there's no obligation to inform, would you accept that?---I'm not sure what the contract says about that.

30

And would you agree with me that Western Sydney RID Squad officers could not access nor update the Liverpool Council's records?---No, they couldn't.

Could not. Thank you. I have no further questions.

ASSISTANT COMMISSIONER: Anything arising, Mr Mack?

MR MACK: Just one question, Commissioner. Ms Kypriotis, at paragraph 13 - - -?---Yes.

40

- - - of your statement, Mr Patterson just asked you a question in relation to some phone calls that you had from Nosir or Mr Taleb?---Yes.

And I think I'm correct in recollecting that Mr Izzard called you - - -?---Yes.

- - - in relation to those calls?---Yes, he did.

Can you recall why Mr Izzard was calling you?---So what it was was I didn't understand why Mr Taleb started calling me. But he wanted to provide us information of some illegal dumping that was occurring. But it wasn't all in Liverpool – it wasn't in Liverpool Council's area. So he provided me the information and I - - -

10 So he being - - -?---Mr Taleb provided me all that information of addresses. And I forwarded that to the EPA's intel information in case they could do an operation because it wasn't in Liverpool's area. But then Mr Taleb got a bit, I don't know what word to use. He started coming to my work place and asking for me and his phone calls became a bit too much. So he was – I went and hid in a room because I didn't – I thought it was becoming a bit over the top then my offsider told him to leave. And then he started trying to call and then I got a call from Craig, I think the following day. Because he bumped into Mr Taleb somewhere. And Mr Taleb had voiced that I wasn't returning calls.

20 And what did Mr Izzard, so, sorry. Mr Izzard called you, is that correct?--- Yeah.

And what did he say to you?---He said that he saw Mr Taleb somewhere and that he was complaining that I wasn't returning his calls.

And did he – was the intent behind that to get you to return Mr Taleb's calls?---He thought it was funny. He rang me - - -

30 Who thought who was funny?---So Mr Izzard rang me and told me that he saw Mr, saw Mr Taleb Nosir and that he – I don't know what conversation they had but he must have complained that I wasn't returning his calls. And Craig repeated that to me that he was complaining that I wasn't returning his calls. But he was laughing at the same time. So I told Craig that he was getting a bit too much giving me this information and he was turning up to my work place, constantly calling me and I wasn't – I couldn't tolerate it.

So who found it funny?---Well when it was being told to me, Craig was giggling and so – he was only repeating - - -

40 So he found it funny?---Yeah.

Did Mr Izzard know that you were hiding in a room?---No.

No?---No.

He just found it generally funny that you were being - - -?---Yeah.

- - - constantly called by - - -?---Yeah.

- - - Mr Kabite?---Yeah.

And paragraph 11 of your statement you make reference to Mr Izzard calling you Miss Anna - - -?---Yeah.

- - - in the context of nothing there, Miss Anna, nothing there, it's all right?--  
-Yeah.

10 Did Mr Izzard often call you Miss Anna?---Yeah. A lot of people call Miss  
Anna.

Yeah. All right. Thank you. No further questions.

ASSISTANT COMMISSIONER: Yes, thank you. Thank you, Ms  
Kypriotis?---That's it?

You're excused - - -?---Thank you.

20 - - - further attendance?---(not transcribable)

**THE WITNESS EXCUSED**

**[4.05pm]**

Just for everyone's information we will be sitting next Tuesday afternoon from 2 o'clock. I can't sit in the morning but I can sit from 2 o'clock on Tuesday afternoon. Otherwise we'll be sitting normal hours all the week.

30 MR MACK: And I can indicate that an updated witness list will be  
provided online.

ASSISTANT COMMISSIONER: All right. Thank you.

MR MACK: And it's online now.

ASSISTANT COMMISSIONER: We'll adjourn.

40 **AT 4.05PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.05PM]**