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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

Reference: Operation E15/0978

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 29 AUGUST, 2016

AT 10.00AM

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: Yes, Mr Mack.

MR MACK: Commissioner, I call Reuben Matthews.

MR DUNNE: Commissioner, my name is Dunne. I've been given authorisation to appear for Mr Matthews.

ASSISTANT COMMISSIONER: Yes, Mr Dunne.

10 MR DUNNE: I've explained to him the meaning of a section 38 declaration and Mr Matthews will take an oath.

ASSISTANT COMMISSIONER: Thank you. Just take a seat there, Mr Matthews would you.

MR MATTHEWS: Yes.

ASSISTANT COMMISSIONER: Thank you.

20

<REUBEN MATTHEWS, sworn

[10.02am]

ASSISTANT COMMISSIONER: Mr Matthews, Mr Dunne has no doubt explained to you about the order that I can make to give you protection against any civil or criminal liability.---Yes.

Yeah. You want me to make that order?---Please.

30 Thank you. Well, 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.

40 **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: That of course, Mr Matthews, doesn't protect you against prosecution for perjury if you tell lies on oath.---I understand.

Thank you. Yes, Mr Mack.

10 MR MACK: Mr Matthews, are you the owner of 405 Willowdene Avenue, Luddenham?---Yes.

And how long have you owned that property for?---Since '79.

And is that also known as 435 Willowdene Avenue?---No.

No. Do you know where 435 Willowdene Avenue is?---No.

20 Mr Matthews, have you read a record of interview transcript that was – recorded an interview you did with officers from the Independent Commission Against Corruption and yourself?---Yes.

All right. And have – is there anything in that transcript which you wish to amend?---No.

Do you know a Ms Anna Kypriotis?---Yes.

How do you know Anna?---She came onto my property and asked me what I was doing.

30 All right. Do you know when that was?---2012.

Okay. Do you know when in 2012?---No, I don't – can't recall the month.

Okay. Do you know why she came onto your property?---I don't know why she came on the property.

Were you dumping –was there material being dumped on your site, at your property?---Not on that day.

40 Not on that day. Okay. Can the witness be shown volume 5, page 1. Mr Matthews, what is on the screen – and can you see that okay?---Yes.

Yes. It's a file note made by Liverpool City Council and it says, "At 10.50am on 31 March in the company of Anna Kypriotis, Liverpool Council office, we attended a property located at 435 Willowdene Avenue." Before when I was asking you about 435 Willowdene Avenue you said you didn't know where that was but you accept that Ms Kypriotis and another council officer attended 405 Willowdene?---Yes.

And if this document says it was around 31 March, 2012 do you have any reason to dispute that it would have been on 31 March, 2012?---No.

Okay. And if you look down at about 10 paragraphs, there's a paragraph that starts Mr Matthews.---Yes.

It says, "Mr Matthews told us they started last Monday being 26 March and he also thought about 80 to 100 truckloads." Do you see that?---Yes.

10

Does that help refresh your memory about when trucks started bringing material into your place?---They started around 2012.

Yes, but - - -?---Yes.

Can you recall how long prior to Ms Kypriotis coming out that they started?---Two to three weeks.

Two to three weeks before?---Yeah.

20

Okay. So if Ms Kypriotis came at the end of March the trucks would have started coming around the start of March, 2012. Is that a fair statement?---It is.

And Ms Kypriotis – in this note it also says that a large excavator was onsite levelling the material. This is on 31 March. Can you recall when Ms Kypriotis arrived whether or not there was an excavator levelling material onsite?---There was an excavator but I can't remember whether it was levelling.

30

Okay. Can you drive an excavator?---No.

Whose excavator was it?---Nosir's.

And by Nosir you mean, or do you know Nosir's surname?---No. Nosir something.

How do you know Nosir?---I was introduced to him by Andy Cannuli.

40

Andy Cannuli. And do you know when you were introduced to Nosir? ---Probably three weeks prior to Anna coming out.

Okay. So around the same time that trucks started coming to your place and dumping material?---Yes.

Do you know why, or sorry, I withdraw that. Did you authorise the trucks to come onto your property and dump material?---Yes.

And why was that?---To fill in holes and crevices to level it off because it was unusable.

It was unusable. And what did you want to use it for?---One, so I could mow it and it wasn't a fire hazard and two, so my daughter could ride her horse.

And what kind of material did you think was being dumped on your site?
---Soil.

10

Soil. Did you expect the soil to have anything in it?---No.

And how many truckloads of soil came to your place before Ms Kypriotis arrived, can you recall?---Not really.

Well, if that document at volume 5, page 1 says that you thought it was between 80 and 100 truckloads, is that an accurate statement?---No, because it couldn't have been that many.

20 Well, how many was it? If it wasn't 80 to 100, was it 60 to 80? Was it more than 50?---I would say, I would say roughly 50.

And how big were the trucks?---Some were just trucks and some were trucks with a thing on the back of them.

Okay. And do you know how many tonnes a truck with a thing on the back of it could carry?---No.

30 And did Ms Kypriotis tell you to stop bringing trucks onto your property full of soil?---Yes.

And did you stop?---Yes.

And if you hadn't have stopped, how many more trucks did you want to come onto your property with soil?---I don't really understand the question.

All right. Well, you said that Ms Kypriotis told you to stop bringing soil onto your property.---Yeah.

40 And then you said you did.---Yeah.

Let's assume that Ms Kypriotis didn't show up at all. How many more trucks would have come onto your property with soil?---I can't answer that. I don't know.

Well, before you said that you wanted enough soil on your property so you could, first of all, mow it and, secondly, so your daughter could ride her horses on your property. Do you remember giving that evidence?---Yes.

How much more soil did you need before that objective was achieved?---I don't know. I probably would have observed as it was happening to know whether it was enough.

Well, when Mr Kypriotis came out, was there enough soil there for your daughter to ride a horse?---No.

Was there enough soil there for you to mow?---No.

10

Okay. Just bear with me. Can the witness be shown volume 5, page 10? I want you to focus on the photograph at the bottom of that page, Mr Matthews.---Yeah.

Can you identify the lady that's standing there in that photo?---Not really.

Okay. Can you see the time stamp in the bottom right-hand corner?---Yes.

And it says 31 March, 2012. Do you see that?---Yes.

20

And do you accept that's a fairly high mound of dirt?---Yes.

Can I ask you turn to page 11 of the same volume and focus on the picture at the bottom of that page? Do you accept that that picture shows a fairly high mound of dirt?---Yes.

And do you accept that that's your property?---I can't say that it is.

30

Okay. Can you recognise your property from the photograph above it? Is that your property?---No, I can't say that it is. I can't say that it isn't.

Okay. Can you have a look at page 12, please? Just wait for that to be rotated? Can you recognise that as an entry into your property, that shot? ---Yes.

Okay. What about the picture on volume 5, page 5, at the bottom? Can you see the powerlines running through the property in the bottom picture there, on page 5?---No.

40

Well, take a close look at - - -?---That's outside. That's a street powerline, isn't it? Is that what you mean?

It looks like a power pole and they look like wires going across.---Yeah.

Can you see that?---Yeah.

Do you recognise those powerlines?---I don't understand the question.

Do you recognise the powerlines in that picture? Have you seen them before?---No.

Do you have powerlines near your place?---Yes.

Could they be those powerlines near your place?---I don't know.

Is it possible?---It's possible.

10 And do you recognise, can you identify that picture, that's the bottom picture on page 5, as being a picture taken of your property?---No.

You can't recognise it or it's not?---I can't recognise it.

Okay. Well, go to page 9, please. Do you recognise that picture?---No.

The picture at the bottom that's been scrolled down now, do you recognise that picture?---No.

20 Is it a possibility that it could be on your property?---I don't know.

Thank you, Mr Matthews. In relation to how much soil you thought you needed on your property to mow over, to have enough soil to mow, how many millimetres of soil do you think you required?---I don't really know millimetres or, I don't know.

Don't know. And do you have any idea how much soil you needed so that your daughter could ride a horse?---Not really.

30 ASSISTANT COMMISSIONER: I gather it was going to be a very large amount of soil to fill in all the – level things out for you?---Yes.

MR MACK: Can you recall going into Penrith – I'll withdraw that. Can you recall going into council offices after Ms Kypriotis came out to your property?---Yes.

And what council did you go to?---Liverpool.

40 And why did you go there?---Because that's my council.

Yes. And why did you go to your council?---Because Anna wanted to meet him.

And do you recall meeting with Anna?---Yes.

And do you recall if anybody else was present during that meeting?---Yes. Andy Cannuli was present and another chap, I assume, from the council. I can't recall his name.

If I suggested the other person was Stephen Gillis, would that refresh your memory as to who the other person from council might have been?---No.

If I say it was somebody by the name of Mr Chong, would that refresh your memory?---No.

Can I take you to volume 5, page 2. Can you recall – what I wasn't to direct your attention to, Mr Matthews, is halfway down the page where it says
10 Thursday, 5 July, 2012 at 5 past 1.00 interview with yourself and Ms Kypriotis. Do you see that?---Yes.

But it doesn't say anything about Mr Cannuli being present at that meeting there does it?---No.

Is it possible that you had a meeting without Mr Cannuli there?---It's possible but I just remember the first meeting when Andy was there.

Okay. So how many meetings have you had at Liverpool Council?---Two.
20 From memory, two.

And one with Andy?---Yeah.

And another one without Andy possibly?---Yes.

Okay. And do you recall a discussion about you needing permission to bring soil onto your property at one of these meetings?---Yes.

And was that discussed at the meeting with Andy and also the meeting
30 without Andy?---Probably the one with Andy. Probably the first meeting.

Okay. All right. I want to draw to your attention this meeting which is on the screen here. It says at the fifth line down after Thursday, 5 July it says Mr Matthews said you're the owner and I said, "Did you seek any advice from council or have a development application for the importation of soil onto your property?" And then you've said, "I had no idea I needed permission to do it." Do you see that?---Yes.

And sitting here now is that how you – is that why you brought – sorry, I
40 withdraw that. Was it your understanding at 5 July, 2012 that you didn't need permission to bring soil onto your property?---Correct.

And didn't cross your mind at all that you might need to get council's permission to bring soil onto your property?---No.

So your understanding was that anybody in your area could bring in a limited amount of soil onto their property?---Yes.

So in effect you could build a large hill on your property if you so desired. Is that correct?---No.

All right. Well, does that mean there was some limit to what you understood – does that mean there was some limit to the amount of soil you thought you could bring onto your property?---I really don't understand the question.

10 All right. Well, you agreed with me before that bringing an amount of soil onto your property that created a large hill you might need permission for that. Do you, do you accept that that's what I put to you before?---Yes.

Okay. And so if you need permission to create a large hill on your property but you don't need permission for your purposes, at what point in time do you think you need permission to bring soil onto your property?---I'm not quite sure what you're saying.

All right. What I'm - - -?---I'm sorry.

20 I'll try and put it more simply. Do you accept that you need permission to bring soil onto your property if it's a large amount of soil?---No, not really.

Okay. Do you accept that you need permission to bring – I might come back to that later. And are you aware that in 2012 after Ms Kypriotis came out to your site that samples were taken of the soil that was on your site? ---No, I'm not aware of that.

So you're not aware that samples were taken?---No.

30 And you're not aware that they were tested?---No.

So you're not aware that the samples that were tested, tested positive for asbestos on your property in 2012?---No.

40 Can the witness be shown volume 5, page 3. At the top it says, this is the person in the interview with you, "I said during our inspection on 31 March, 2012, it was pointed out to me by Anna Kypriotis, of Liverpool Council office, a small piece of what appeared to be asbestos in the fill material. And on further inspection, further small pieces were located and taken as samples." Do you recall that being discussed in a meeting with Mr Kypriotis in the council offices? Does that refresh your memory?---No, I remember Anna saying that she found a piece of something that she was having tested.

Okay. And the next question is, "Did you at any time make a suggestion that I or Anna put the pieces of the fill in the material?" Did you recall there being an allegation about Ms Kypriotis putting the pieces in the fill material?---I don't quite understand.

Do you recall somebody accusing Anna of putting fibro on your property?
---No.

Do you recall somebody at a meeting at the council offices telling you, I want you to read this line, point six, "I said, 'Mr Matthews, I have had the samples tested and they came back as positive for asbestos.'" Do you see that line where the mouse cursor is now?---Yes.

10 Okay. So this is somebody at the council telling you that they had samples tested and they came back as positive for asbestos.---No.

Do you recall somebody saying that to you?---No.

Do you recall saying, "We can spread the material and cover it over." Do you recall saying that?---No.

20 Can you recall a suggestion being made at a meeting at the council offices that you might have to pay to have the fill removed?---No.

Well, can I ask you to read from about line 10, starting, "I said, 'Mr Matthews,'"? There's a paragraph that starts, "I said," so that's the person who's writing this document, "I said, 'Mr Matthews, it is my intention to issue you with a notice of intention, a clean-up notice to remove the material.'" Can you see that?---Yeah.

Can you recall that being said to you?---No.

30 Can you recall somebody saying to you that you'll be given 21 days to respond to the notice?---No.

Can you recall saying that "If I had to get rid of the stuff it will cost me a fortune"?---No.

And then you're asked, "Did you pay any money to have the fill brought in?" And you said, "No, Nosir did it for free." Do you recall saying that?
---Yes.

40 All right. We're going to ask you a few questions about Nosir, which are unrelated to that document.---All right.

Do you recall why Nosir was dumping soil on your property for free? As in do you know why he wasn't charging you?---No.

Did you in 2012 have any understanding of how much it cost to dump soil at a registered waste facility?---No.

Did you ever have a discussion with Nosir about how much soil he could bring onto your property in 2012?---No.

So was the understanding that Nosir would keep bringing soil until you said enough? Is that correct?---Yes.

And do you recall being told that you would need a development application in order to dump further material?---Yes.

10 And do you recall being told that you would have to – do you know what I mean when I say remediate?---No.

Do you recall being told you would have to fix up your property before a development application would be approved?---No.

Can the witness be shown volume 5, page 59? I want to direct your attention to the entry by Anna Kypriotis made on 21 July, 2012. And it says on 18 July, 2012 that you attended council, and that with Steven Chong – just pausing there. Do you recall going to council and meeting with Ms
20 Kypriotis and a Mr Steven Chong?---I remember going to council and Anna and some other chap was there.

All right.---I don't remember his name.

Can you recall if the other chap was in charge of planning?---Don't know.

Okay. Do you recall being advised – I'm reading from here.---Right.

30 “He was advised that he could not level his land without approval, and he also removed trees and has a creek line next to his property.” Do you recall being advised that?---Yes.

And do you recall being advised you would have to remediate first and his notice would outline this information. Do you recall being told that you would have to remediate?---No.

Do you recall – thank you. Do you recall filling out a development application in 2012?---Yes.

40 And do you recall submitting that to the council?---Yes.

And do you recall receiving correspondence in relation to that development application from the council?---No.

Do you know what happened to your development application that you lodged in 2012?---They told me they lost it.

So what did you do? Did you fill out another development application?

---Yes.

Because the Liverpool Council lost it?---So they said.

And did you ever, before – sorry, start again. Before you filled out your second development application, did you allow any more soil onto your property?---No.

10 Did you personally fill out your second development application?---With the assistance of my daughter.

And do you recall being offered any assistance to fill out that development application a second time?---No.

Nobody offered to assist, help, assist you with your development application the second time round?---No.

Okay. Can the witness be shown volume 5, page 83?

20 Can the witness be shown volume 5, page 83. This is an email from an R Matthews, this is Renee Matthews to Mr Craig Izzard of 21 October, 2013 at 9.30. It says, “Hi, Craig. You were talking to my dad this morning at Luddenham. Could you please let me know what I need to do for dad in regards to the DA.” Do you see that?---Yes.

Do you recall talking to Mr Izzard?---Do I recall?

Yes.---Yes.

30 And if your daughter wrote a letter – wrote an email on 21 October, 2013 saying, “You were talking to my dad this morning”, would that mean that you were talking to Mr Izzard on 21 October, 2013?---I spoke to Mr Izzard on – in 2013. The exact date, the 21st I couldn’t say yes to but it was definitely 2013.

Okay.---And that sounds about the time, 9.30.

Okay. So when you spoke to Mr Izzard was your daughter present?---No.

40 Had you spoken to Mr Izzard previously?---No.

So that was the first time you’d ever spoken to Mr Izzard?---Correct.

Had you ever spoken to Mr Izzard on the phone prior to that?---No.

Did you know that Mr Izzard once played rugby league?---Only from hearing it in court last week.

I'm going to show you a picture of your property, and just before that goes up, did you meet with Mr Izzard at your place?---Yes.

I want you to look at this photo. This is volume 18, page 38 and it's an aerial shot of your property at 405 Willowdene.---Yes.

Do you recognise the layout of your property from that?---Yes.

10 Can you say where the meeting with Mr Izzard took place, just describe it.
---Do you want me to point at it?

If you could just tell me where it's near with reference to perhaps the two – w as it near the two red sheds?---No, no. Out on the road.

Yes.---See where the creek starts?

Can you see the mouse cursor?---Yeah, I can see.

20 Yes.---Come up a bit, come down a bit, just about there.

All right. For the purpose of the transcript the cursor is about three centimetres in from the right-hand margin and about five centimetres in from the bottom margin and is it correct to say there looks to be an entry there, a break in the fence line?---A gate. A gate.

A gate?---Yeah.

30 Thank you. Thank you. And were you working at that point at the gate at the time when Mr Izzard came past?---No.

Do you know what Mr Izzard was doing there?---No.

Was there anybody else there?---Andy Cannuli and Nosir.

Do you know why Andy Cannuli and Nosir were there with Mr Izzard?
---No.

40 And where were you at the time, were you at the gate or did you have to walk from somewhere else on your property?---I came down from the house.

And why did you come down from the house?---Because I could see them down there.

So you just went over to see what was going on. Is that correct?---That's right.

But your daughter remained in the house?---Yes.

And when you arrived what did you say?---I was introduced to Craig as Craig Izzard.

Who introduced you?---I'm not quite sure. Either Andy or Nosir. I'm not quite sure.

10 Okay. And can you recall what clothes Mr Izzard was wearing?---Yes. I get mixed up in colours but the best way to refer to it is like a scout's uniform.

Okay. So he was in uniform?---Yeah.

And when Mr Izzard was introduced, did somebody tell you why he was in uniform?---No.

Did you make assumptions about why he was in uniform?---No.

20 Did you assume he was from council?---Yes.

Did anybody introduce him in the context of illegal dumping enforcement? ---No.

And what did you say to Mr Izzard after he was introduced to you? ---Straightaway after he was introduced to me?

Yes.---Nothing.

30 You didn't say hello? Did you shake his hand?---Yes.

Did you say hello?---I can't remember.

And then did you say anything after that or did you stay quiet?---No. He asked me a question.

What did he ask you?---Do I have a certificate for a DA.

And why did he ask that question, do you know?---No. I don't know.

40 And what was your response?---I said I've lodged applications into the council and I'm having trouble. I don't know whether it's approved or not. And I'm not really clear on how to fill it out, because they keep sending it back saying it's not filled out properly. And he said, well, it's pretty simple.

Go on. What did he say after pretty simple?---That if I don't know how to fill it out, he could help.

Okay. Did Andy Cannuli say anything at this stage?---No, not to my knowledge.

Did Nosir say anything?---Not to my knowledge.

Were you surprised that somebody in a khaki uniform was offering to help you fill out a development application?---No.

10 And did you tell Mr Izzard why you needed a development application?
---No. He said I needed one.

Well, why did he say you needed a development application?---Because he asked me did I have a certificate or something. And apparently, from what I hear now, that if you have a development application, you've got to have a certificate or something. And I said, no, I haven't got one. And he said, well, you need one to do what you're doing.

Which was what?---Putting soil on the property.

20 But you weren't putting soil on the property at that stage, were you?---No.

How did he know that you were putting soil on the property?---Probably by looking?

Well, what would have identified to Mr Izzard that you were putting soil on the property?---By looking.

30 So would have Mr Izzard been able to see large piles of dirt on your property?---I don't know what he's seen but that's what I would assume.

So you assumed that Mr Izzard could identify from looking at your property that you had been bringing soil onto it. Is that correct?---I would say so.

And did you tell Mr Izzard that you had been bringing soil onto the property so you could mow around it and so that your daughter could ride horses on it?---No.

40 Did you tell Mr Izzard why you were bringing the soil onto the property?
---No.

Didn't have a discussion at all?---No.

Didn't mention horses at all?---No.

Didn't mention mowing on the property?---No.

Are you sure about that?---Yes.

Did anybody else in the conversation, either Mr Kabite, Nosir, or Mr Cannuli mention horses?---No. Not that I recall.

How long did the conversation last for?---With - - -

This is the conversation at the gate.---Right.

At your property. With Mr Izzard, Nosir and Mr Cannuli. How long were you chatting for?---10 minutes. No more.

10

No more than 10 minutes. Did you indicate to Mr Izzard that you would like his assistance with the development application?---I asked him could he help fill out the sheets because I, I didn't think I was making mistakes but apparently the council did because they said it wasn't filled out properly.

So did the council say that you made mistakes in your development application?---No, they just said it wasn't filled out properly.

20

Is that before or after they told you that it was lost?---The first one they said was lost and it was the second application.

All right. So when did you fill – did you – when did you fill out the second application for the first time, was that before you met Mr Izzard?---Yes.

I'm just going to go back through this. There was one application that you sent in to Liverpool City Council, the first development application that got lost. Is that correct?---Correct.

30

And then you attempted to fill out a second application. Is that correct? ---Correct.

And the Liverpool City Council told you that you hadn't completed it correctly?---Correct.

And at some stage after that you had a conversation with – you had this conversation with Mr Izzard out the front of your property. Is that correct? ---Yeah.

40

Can you recall anything else that was discussed at this conversation that you haven't told us about already?---Only that he said he would help fill out the sheets and I said I wasn't computerised in, you know (not transcribable) computers but my daughter was.

Yes.---And he said, "Well, if she can give me her fax number I'll show her how to do it, what sheets to fill out and what questions."

Okay. So what happened after you finished the conversation?---I left.

And you went where?---Back to the house.

And did you have a conversation with your daughter?---Yeah, a brief one. I was in a hurry. I had to go out down the street.

What did you say to your daughter?---That there's a chap down the end from the council. His name is Craig and he'll help us fill out the sheets but you've got to do it on the computer.

10 All right. And did your daughter then go and chat to Mr Izzard?---No.

How did your daughter get Mr Izzard's email details?---I gave it to her.

How did you get Mr Izzard's email address?---He gave it to me.

He gave it to you?---Yeah.

On a piece of paper, on a business card or, can you recall?---I think it was on a card but I can't really remember. I know I had it.

20

And after that did you have any discussions with your daughter about the development application?---No, just that she was doing it.

Did you ever see the development application?---No.

Can the witness be shown volume 5, page 85. Just bear with me one second. Can you see that there's an email there from Craig to Renee and it's dated Wednesday, 23 October, 2013 at 1.09.38? It's the one in the second half of the email.---Yeah.

30

Sorry, Mr Matthews, I'm confusing you. I want to take you first to page 84 and there's an email there dated Wednesday, 23 October, 2013 and you will see the time stamp of 1.09.38. Do you see that?---Yes.

I'm just going to read it out to you and you and you tell me if that refreshes your memory, whether or not you've seen this email before.---Right.

I'm just going to read it out to you.---Good.

40 And you tell me if that refreshes your memory, whether or not you've seen this email before.---Right.

"Renee," this is from Mr Izzard to your daughter. "Just tell you," and that says "day" but I assume it's meant to say "dad". "Just tell your dad to make a DA application to Liverpool Council on the back of the work he requires to be done. The only time it becomes an issue if the work being performed had any impact on the creek line at the bottom of the property. Assure him that there is nothing illegal about what he is doing. It only becomes an issue

on the type of fill being brought onto the property. Ensure that it is clean.”
Can you recall if your daughter ever showed you this email?---No.

Can you recall a discussion with your daughter about the activity on your property being legal or illegal?---No.

Can you recall whether or not activities on your property were – sorry, can you recall in the conversation with Mr Izzard at your gate whether or not the legality or illegality of the activities on your property?---No.

10

All right. I'll read you the next paragraph. “For the application work around this, work being required to extend existing shed line, and additional sheds will be erected to support horse activity being carried out on the property. Small amount of clean fill is required. This fill in no way have any impact on the creek line. Controlled sediments will be in place.” Can you recall any of that being conveyed to you at any time?---No.

Do you know what controlled sediment is?---No.

20

Do you know if that – I'll show you the development application, Mr Matthews. It's at volume 5, page 88. Can you recognise the handwriting on that document?---I think it's my daughter's but I don't study her handwriting. But - - -

It's not your handwriting, is it?---No.

Have you ever seen this document before?---I've seen a document like that, yes.

30

When you say “like this document”, I need you to think carefully about it. So have a read of it if you like.---All right. All right. What's the question?

Have you ever seen this document before?---Yes.

You have? Is that your signature on the bottom of the document?---Where?

You can't see it on the electronic copy on the screen. I'll show you a hard copy.---Right.

40

But I'll need it back. This is volume 5, page 88. There's a signature at the bottom of the page.---Yeah.

The question is, is that your signature?---Yes.

Thank you. Can you recall reading this document before you signed it?---I would have looked at it and read it, just quickly, roughly, like I'm doing now.

Have a look at page 89.---Yeah.

It says, “What buildings are currently on the land?” And the answer is, “Dwelling and sheds but nothing on the area to be filled.” Do you see that? ---Yes.

Do you agree that there was area to be filled?---Yes.

So that statement’s wrong?---What do you mean?

10

Well, it says, “Dwelling and sheds but nothing on the area to be filled.” Do you know what was meant by that statement?---There’s no – where the filling had to go, there was no sheds or - - -

I understand.--- - - - dwelling. Is that what you mean?

20

Well, so – I’ll ask the question again. At question 7 it says dwelling and sheds but nothing on the area to be filled. You understand by that reply that there’s dwelling and sheds on the land but there’s no dwelling and sheds in the area that you’re going to fill?---Correct.

And you see at 7B is the land contaminated or potentially contaminated and it says no. Do you see that?---Yeah.

And at the time did you know that the land was contaminated with asbestos?---No.

Do you know what integrated development is?---No.

30

Which is question 8. You don’t know what integrated development is? ---No. Can you put the mouse on it.

Put the mouse on 8. This is at point 8 and it says does the development require an other approvals or licences from other government bodies and someone has ticked no and my question to you is do you know of any other licences or approvals you needed to bring soil onto the property?---No.

40

Can you recall if Mr Izzard ever told you you needed other licences or approvals?---No.

He didn’t tell you?---No.

Do you know if that development application that I just showed you, do you know if that got approved by council?---No.

You don’t know or it didn’t get approved?---I don't know.

So you can’t say that it did get approved?---No.

But nevertheless you allowed further trucks with soil to come onto your property. That's correct isn't it?---Yes.

And when did you allow for the second time trucks to start coming back onto your property?---The exact date I can't remember.

Okay.---I think it was in 2012 from memory.

10 No. I'm going to – this is important, Mr Matthews, so I'm going to take you through the chronology bit by bit.---All right.

You agreed with me before that on 31 March, 2012 Ms Kypriotis came out to your place. You remember that?---Yes.

And then you agreed with me that Mr Izzard and you had a conversation around about 21 October, 2013.---Correct.

20 And you said that you didn't bring any soil onto your property between when Ms Kypriotis came out and when Mr Izzard came out. Do you accept that?---No.

So you did bring soil onto your property after Ms Kypriotis came out and before Mr Izzard came out?---Yes.

All right. And that was even though Ms Kypriotis told you that you're not allowed to bring soil onto your property?---She didn't tell me that.

30 Mr Matthews, you need to be careful about the answers you give. Earlier this morning you said that you recalled going to the Liverpool Council offices and being told that you need a development application before you could bring more soil onto the property.---Correct.

And you also told me that you did not bring any soil onto the property before the meeting with Mr Izzard in October, 2013 and then you just told me that you did bring soil onto the property before you met Mr Izzard. So can you tell me what the truth is?---Well, I can't remember what you just said but I know that soil came back onto the property on 2012 - - -

40 Is this - - -?--- - - - prior to meeting Mr Izzard.

And do you know how much?---Not really.

But you accept you didn't have a development application to bring soil onto the property at that stage?---I thought I did have but I apparently didn't have.

When you say you thought you did have, and I just want to be very clear, this is the point in time before you had the conversation with Mr Izzard,

why did you think you had a development application to bring soil onto the property?---Because Anna rang me and said, "Everything's okay, Reuben. Don't worry. You're a worrier."

And - - -?---And from that I assumed, which I probably don't now, but I assumed that that was, because I don't know the procedure of development applications. And the mucking around I was getting, I assumed that that meant okay to carry on.

10 You also told me earlier today that the council told you that they'd lost your development application.---Correct.

So when did those two events occur? When did they tell you they lost the development application and when did you have the conversation with Anna?---Well, I had a conversation with Anna at her office and then I went up and got the DA forms and filled them out and sent them in and waited and waited and waited, and they lost them.

20 Yes. And then Anna, at some stage during all of that, called you up and, in your version of events, said, "Mr Matthews, you're a worrier." When did that conversation about being a worrier occur?---Dates I don't know, but it was after I did the second application.

And it was after the conversation with Anna about you being a worrier that you recommenced bringing soil onto your land, is that correct?---Correct.

So prior to that conversation with Anna, where she said you were a worrier, did you bring any soil onto your property?---No.

30 All right. Did Anna often ring you?---She rang me about, over the whole thing, probably about three times.

And can you recall what she said on the other two occasions when she didn't call you a worrier?---No, not really.

Because she says that you never had that conversation. So I'm suggesting to you - - -

40 MR DUNNE: Well, if I object. I think the evidence of Anna was she didn't recall. There was no definitive denial that the conversation took place. There was certainly no acceptance it took place.

ASSISTANT COMMISSIONER: I can't remember, Mr Dunne. If that's correct then the question's out of order. But if it's not, it isn't.

MR MACK: Commissioner, I think the evidence was that Ms Kypriotis doesn't use that language and wouldn't use that word. And that's at transcript 371, line 28.

ASSISTANT COMMISSIONER: Can that be brought up?

MR MACK: It's being brought up now, Commissioner.

ASSISTANT COMMISSIONER: It says, "I don't use the word worrier."
(not transcribable) "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." Does it go on from there?

10

MR MACK: Yeah, it does. Just scroll down to 376.

ASSISTANT COMMISSIONER: "I see. And in that conversation were
there any guarantees (not transcribable)? Any comments about him being
(not transcribable)?" "(not transcribable) words to the effect 'Hi, Reuben.
You know, stop worrying. You're such a worrier.'" "Your answer is I don't
remember saying that. You could have said that?" Answer, "I don't think.
Not in so many words, no." "Something similar?" "I don't think so."

20

MR DUNNE: He certainly doesn't admit to it but I - - -

ASSISTANT COMMISSIONER: Yes.

MR DUNNE: It's not a case where she definitively denies, denies using the
word worrier.

ASSISTANT COMMISSIONER: No, no, I take the point. Yes.

MR DUNNE: Thank you.

30

ASSISTANT COMMISSIONER: Yes, do you want to phrase the question
in accordance with that answer then, Mr Mack.

MR MACK: Is it possible that you're mistaken about having a conversation
with Ms Kypriotis where she called you a worrier?---No.

At the time you say Ms Kypriotis phoned you and called you a worrier you
had already had correspondence from the council saying they had lost your
application. Is that correct?---Correct.

40

And did they write to you and tell you that they'd lost your application?
---No.

How did you find out that?---Because I kept ringing and ringing and ringing
them and eventually they told me that.

You can't recall any documents from coming – being sent from Liverpool
Council to yourself in relation to your development application?---I think

they sent me the second lot and said that it wasn't filled out properly so then we did it again.

Did you find it unusual that you would get approval over the phone as opposed to written approval?---Yes and no, but I don't know the procedure. I don't know the, you know, like when Craig - - -

Did you, sorry.--- - - - said I needed a sheet well, I didn't know that but apparently I needed a sheet which I didn't have.

10

Did you expect to receive a letter from the council telling you that your DA has been approved?---You would think so.

You never got one did you?---No.

What happened after you received the phone call from Anna in relation to allowing trucks of soil back onto your land – I'll put that another way. How soon after having the conversation with Anna did you speak to Nosir?
---Two days.

20

And what did you say to Nosir?---I heard the dozer start up and I went down and Nosir said, "I was told that it's okay to bring some fill in but not before 9.30 and not after 3.00." So I put the two together and thought well, I put the phone call with Anna with that and it seemed as if that's the way it goes.

But you didn't say to Nosir I've just had a call from Anna and Anna said it's okay if I start filling?---No.

No. So Nosir knew independently. Is that correct?---Yes.

30

And do you know how Nosir knew?---No.

Did you find it unusual that Nosir knew?---No. Didn't cross my mind, no.

And you say you heard the dozer starting up. Was there a dozer on your property at that time?---Yes.

Whose dozer was it?---I assume it was Nosir's.

40

And how long had it been there?---It would come and go so I don't know. I don't understand the question.

So did Nosir use to park his dozer at your place?---I don't understand the question.

All right. Well, you said there was a dozer - - -?---Correct.

- - - that started up?---Yeah.

What I'm trying to explore with you is whose dozer it is. And you said it was probably Nosir's. Is that correct?---Correct.

And I'm trying to understand why Nosir had a dozer at your property.

---Because he was levelling the land off.

And did you pay him to level the land off?---No.

10 And would he ever have anybody else operating his dozer on his behalf?
Did anybody else operate the dozer besides Nosir?---Yes, I think there was
an elderly chap would sometimes do it for him.

Do you know his name?---No.

And how often would he level your property?---Truck would come in, he'd level it.

20 This conversation you had with Anna, where she called you a worrier, was
that before your conversation with Mr Izzard?---Yes.

When you had the conversation with Mr Izzard, did you tell him that you had already had a development application for your property that had been approved?---No. Not those words, no.

Well, why not?---Because they never had received anything. I just assumed that that was the procedure.

30 Why would you need Mr Izzard's assistance to fill in a DA if it's already
been approved?---Because he said I need a certificate to be doing what I'm
doing. And I didn't have a certificate, whatever the certificate was. I didn't
have it.

So did you tell Mr Izzard that the certificate should exist but you just don't have it.---No, he said it should exist. And I didn't have it. I couldn't show him anything. I didn't have anything to show him because nothing was sent to me.

40 And so at that stage, after the conversation with Mr Izzard, what did you
think the status of your DA application was?---Well, I thought it was, in my
mind - - -

Yes?--- - - - approved because of what Anna said and Nosir said.

So if you thought it was approved, why did you tell your daughter to correspond with Mr Izzard in relation to it?---Because Mr Izzard said I needed a certificate. And apparently you need a certificate. The way the

council works, you need a certificate to prove you've got a DA. And I didn't have the certificate.

Before you told me that Mr Izzard would not have been able to observe – sorry, I'll withdraw that. Before you told me that when Mr Izzard arrived he somehow knew that soil was being brought onto your property. Do you recall that evidence?---I didn't see him arrive.

10 All right. When Mr Izzard arrived and you were having a conversation with him, he said you needed a certificate. Do you accept that?---Yes.

And I asked you before how did Mr Izzard know that you needed a certificate. Do you recall that?---Yes.

And then your answer was you don't know why he – sorry. Your answer was – or sorry, how did Mr Izzard know that you needed a certificate?---I don't - - -

20 MR DUNNE: If I could just object.---I don't understand the question. If I could object. I think the witness has answered this question a few times that Mr Izzard said he needed a certificate and for the question to be asked of the witness how did Mr Izzard know that he needed a certificate is a bit circular. The witness knows that Mr Izzard came and told him he needed a certificate.

ASSISTANT COMMISSIONER: My note of it was that Mr Izzard came and asked him did he have a certificate for a DA and he said that he'd lodged one but he had trouble filling it out.

30 MR DUNNE: Yes.

ASSISTANT COMMISSIONER: Yes.

MR DUNNE: But the question how, how did Mr Izzard know that he needed a certificate - - -

ASSISTANT COMMISSIONER: Well, I think that series of questions and answers probably answers that.

40 MR DUNNE: Yes.

MR MACK: Were there any trucks going into your property during the time of your conversation with Mr Izzard?---No.

Were there any trucks that went into your property the week prior to your conversation with Mr Izzard?---That's hard for me to answer.

Is it a possibility?---Anything's a possibility. But trucks were – the trucks would stop for days or weeks or months on end but it wasn't an everyday occurrence so before Mr Izzard came were trucks coming onto the property at that time, no. Were the trucks coming on a week prior to that, not quite sure.

Did Mr Izzard ever tell you that he had seen trucks going into your property?---No.

10 All right. Did Mr Izzard know if trucks had been going into your property?
---I don't know.

All right. Mr Matthews, do you know at what – do you know if trucks came into your place continually throughout 2014?---On and off.

There was no reason for them to stop during 2014?---Well, they would have stopped on and off.

20 On and off. And when you say they would have stopped on and off, is that because there was another episode of correspondence with the council?
---There was an episode with the council at one stage in that time.

And can you recall when that was?---The exact date, no.

Can you recall the year?---I think it was '14.

Can you recall people from Liverpool City Council coming to your property?---Yes.

30 In 2014?---Around - - -

Can you recall on how many occasions they came to your property in 2014?---It was '13 and '14 but you're talking about '14?

Yes.---I think it was '14 a Frank came onto the property with another person.

40 Okay. Before they came onto the property, can you recall anyone else coming onto the property?---Yes. Yes.

Can you recall how many people came onto your property the time prior?
---Two lots at two times.

So in total three lots of people? Is that correct?---In '13/'14, yeah.

And the first lot of people, can you recall speaking to them?---Never spoke to them.

Can you recall what they looked like?---I couldn't tell you what they looked like. I could tell you what they wore.

What did they wear?---Council type clothes. Black and grey.

Can you recall if they were male or female?---No. I would assume male but that's an assumption.

10 Can you recall who they talked to? This is the first lot of people.---Yes.

Who did they talk to?---Nosir.

And did Nosir tell you what they said?---No.

Do you recall being – the second lot of people, do you recall speaking to them?---No, I didn't.

20 Can the witness be shown volume 5, page 63? I want to direct your attention to the entry by Sophia Le on 20 November, 2014.---Right.

It says that officer Sophia Le and HC also attended the property and spoke to you.---Correct.

And you said an application was submitted to council and for me to check our systems, speak to our people. Do you recall that meeting?---Yes.

And - - -?---So that's one, two, three, fourth lot now.

30 That's the fourth lot.---Yeah.

How many times did they attend?---I don't understand the question.

How many times do you recall seeing those officers?---Which officers?

Sophia Le and Ms Cios.---Once.

Just once. So in total there was four lots of people that came up to your house?---Yeah.

40 You don't know who the first lot was?---The first two didn't come up to the house.

They spoke to Nosir?---Yeah.

Second lot?---Came up, spoke to Nosir, not the house. Didn't come up to the house.

And you don't know who they were?---No.

Third lot?---I think it was when Frank came with somebody.

And fourth lot?---Come up to the house.

Helen and Sophia? Sorry, they were two females or one female, the fourth lot?---Two.

10 Two.---I don't remember. I didn't recognise her until she was sitting here the other day. And then I didn't recognise her, but I assume that was her.

Do you have any idea across, those four lots of people, how much soil was being brought onto your property?---No. No.

Was there a point in time where you thought perhaps there's enough soil on here for me to mow?---No. Because it was never sort of levelled out and looked good.

20 So how did it look? Would it have come in piles? Is that correct?---Came in trucks.

Came in trucks. And what would be the process once the trucks came? ---Level it.

Would it get levelled on the same day as it was tipped?---Can't even say. Can't say.

Were there large mounds of dirt on your property from time to time?---Yes.

30 And you never inspected any of the material before it came onto your property, is that correct?---That's correct.

Why not?---Every time I looked it looked okay, soil-wise.

Was there somebody on your gate that marked when trucks came in and trucks came out?---Not that I know.

40 What role did Mr Cannuli play when trucks were coming in and out?---I don't know. He was just there.

Sorry?---He was just there sometimes. Not all the time.

What was he doing there?---Don't know.

How long have you known Mr Cannuli for?---30, 35 years.

And you'd just see him on occasions at your property for no particular reason?---Yeah. Sometimes he'd come up for a coffee or something like that.

Commissioner, can we pause there for the morning adjournment? I'm just going to shift onto another important part of my - - -

ASSISTANT COMMISSIONER: Okay. We'll adjourn till quarter to.

10

SHORT ADJOURNMENT

[11.27am]

ASSISTANT COMMISSIONER: You are still on the same oath, Mr Matthews.---Thank you.

Thank you. Yes, Mr Mack.

20 MR MACK: Thank you, Commissioner. Mr Matthews, are you aware of complaints from people living within your neighbourhood about the amount of truck activity going on at your place?---No.

Are you aware that concerned residents complained that the amount of trucks were breaking up the road?---No.

Was the road being broken up around your place due to the truck activity? ---The road's always been breaking up. I don't know what's - - -

30 Do you know who Frank Bono is?---Yes.

Do you know who Serge Luna is?---Yes.

Do you agree that they interviewed you at your property on 10 March, 2015?---Yes.

And do you agree that Nosir Kabite was at the property but wasn't in the interview – sorry, I'll start that – when you were interviewed by Mr Bono and Mr Luna was Mr Kabite present?---Andy Cannuli?

40 No, Mr Kabite.---Nosir?

Nosir.---No.

Was Mr Cannuli present?---Yes.

Did he participate in the interview?---No.

Where was he when the interview was being conducted?---Out on the back patio.

How do you know that?---Because I was there.

Could you see him from where you were being interviewed?---No. We were all out on the back patio.

10 You were all out on the back patio. And where was Mr Cannuli?---Out on the back patio.

So could he hear you?---No.

He was far enough way not to hear you?---Correct.

Could you see him?---No.

Can you recall meeting Mr Bono and Mr Luna at a café?---Yes.

20 Can you recall on how many occasions you met Mr Bono and Mr Luna at a café?---Three times.

Can you recall meeting them at the Blackrose Café in Liverpool?---Yes.

Can you recall meeting them at Carnes Hill at a café?---Yes.

And when was the third time you met them at a café?---Beg your pardon?

30 When was the third time you met them at a café?---After – about two or three months after the court case.

Do you know when you – did you meet them at the Blackrose Café, the Blackrose Café in Liverpool before you met them at the café in Carnes Hill?---No.

All right. Well, which one do you say took place first?---The Carnes Hill.

Carnes Hill was first?---Yeah.

40 And then the second one was at the Blackrose Café?---No.

No. Where was the second one?---The first one was at Carnes Hill.

Yes.---The second one was at the café after the court case and the third one was at a coffee shop at Luddenham.

And when did the third one take place?---About three or four months after the court case.

So you met with them twice after the court case?---Correct.

Could you be mistaken about not meeting them at the Blackrose Café in Liverpool?---What do you mean mistaken?

Well, is it a possibility that you did actually meet them at the Blackrose Café in Liverpool?---After the court case.

10 After the court case. Is there a possibility that you met them at the Blackrose Café in Liverpool before the court case?---No.

Are you aware that both Mr Bono and Mr Luna say that they met you at the Blackrose Café in Liverpool before the court case?---I heard it here, yeah.

And you just say that didn't happen?---It didn't happen.

Can you recall when you met them at Carnes Hill?---2015.

20 Was it very long before the court case?---(not transcribable) Could have been May.

Can you tell the Commission who was at the café in Carnes Hill when you arrived?---Frank, Sergio and Nosir.

And who did you arrive with?---I arrived with myself.

All right. Was Mr Cannuli there?---He arrived the same time I did.

30 Do you know how Mr Cannuli got to Carnes Hill?---Drove.

Were you in the car with him?---No.

And what happened when you arrived at the café?---Sergio and Frank handed us each an envelope.

Did you open it straightaway?---Yes.

What did it contain?---It contained a summons to appear in court.

40 And did Sergio or Frank say anything to you in relation to the document they handed you?---Yes.

What did they say? Or who said it, sorry. Was it Frank or was it Sergio? ---Bit of both.

Bit of both. All right. Well, what did Frank say?---Well, it was a bit of both. I don't know which said which, which time they said it. Bit of both.

You know, conversation, you interrupt one another and both saying something.

All right. So what did they say?---Don't worry about it. Just go there, plead guilty. Stand in front of the magistrate, plead guilty. You'll either get a small fine or no fine at all. You'll probably get told to test the soil and you may have to take some out. We'll then help you with the DA and then you can bring some in and level it off and finish the job.

10 Are you sure they said that?---Definitely.

Both Sergio and Frank say that they didn't say that.---I can only tell you what I heard.

Did you speak to Mr Cannuli before you went to the Carnes Hill café?
---No. Small words, like I arrived at Liverpool where the meeting was supposed to be, and he said that it's been changed to another shopping centre. So I said, "Well, I'll follow you, because I don't know where to go."

20 All right. And did you speak to Mr Cannuli about the Carnes Hill meeting after you had the meeting?---No.

Didn't discuss it with him at all?---No, I just said some small talk I can't remember, and got in the car and drove home.

And after you drove home, did you discuss it with Mr Cannuli?---No.

So you never discussed the Carnes Hill meeting again with Mr Cannuli?
---Not that I can remember.

30

So you didn't agree to give a, to make a story up about what Frank and Serge said at that meeting in Carnes Hill?---No.

And can you recall either Frank or Serge saying that you should get legal advice?---No. But I can remember asking, "Should I get legal advice?"

That didn't happen, did it?---Yeah. What didn't happen?

You didn't ask him if you should get legal advice.---Yes, I did.

40

And what did they say?---"No, you don't need it."

You're making that up, aren't you?---No, I'm not.

And what happened when you – well, can you recall going to court?---Yes.

And if I told you that that occurred on 5 June, 2015, would you accept that?
---Yes.

And what happened at court?---Arrived there. Went in. We all had different numbers. We were all fronted to the magistrate at the same time.

Did the magistrate ask you if you needed time to see a lawyer?---I don't remember him saying that.

Can you recall anything else the magistrate said to you?---No.

10 Can you recall if the magistrate asked you if you could pay a substantial fine?---Yes.

Can you recall what you replied?---Yes.

What did you say?---Yes.

You said you could pay a substantial fine?---Well, I didn't really know what substantial meant.

20 All right.---But I just said yes to it.

And how much were you fined?---\$50,000.

And is that a lot of money to you?---Yes.

Do you know how much Nosir got fined?---\$25,000, I think.

And do you know how much Andy got fined?---\$5,000, I think.

30 Were you annoyed with the actions of Nosir, for bringing that material onto your place?---I was cranky about being fined so much, if that's what you mean.

Well, you understand that you were only fined such a large amount because the material that was brought in was contaminated with asbestos?---I heard that in the court, that 11 pieces were found and found to be asbestos-related.

40 And did that upset you that presumably Nosir had been bringing asbestos onto your property?---It upset me that I thought that that would have happened. In my own mind I thought that, yes.

And were you upset with Nosir?---In my own mind, I was. But did I express that to him, no.

Why not?---Couldn't see the point.

Have you paid the fine?---I'm paying it off.

How often are you paying it off?---Every month.

How much do you pay every month?---\$300.

Can you remember giving an excuse to the magistrate as to why you allowed fill to be brought onto your property?---No, I can't remember that.

10 Can you remember mentioning to the magistrate that you brought it in for the purposes of building greenhouses?---No, I can't remember saying that to the magistrate.

I'll show you a document. I'm handing you a document, Mr Matthews. This is a transcript of the Local Court proceedings. And I want you to turn to page six of that document.---Yeah.

And at line 25 you say, "Well, I'm happy to just clean the land up and get the dirt out and bring it back to normal." Do you recall saying that?---I could have said that, yes.

20 And then the magistrate says, "Well, as you're the owner but you're not the occupier so how does that happen?" And then you say, "I'm sure that the people who brought it in will take it out".---I could have said that.

And the magistrate says, "Obviously, but if you're the owner but not the occupier of the land what arrangement do you have with Mr Cannuli for him to occupy the land?" And then you say, "I'm the owner and I occupy it".---Yeah, I would have said that.

30 And then the magistrate says, "Well, how does Mr Cannuli become involved?" And then your answer is, "He's just a friend that was going – we were going to build a couple of greenhouses and I knew you'd have to have a DA for greenhouses but not for soil".---Yeah.

"But now I know you've got to have a DA for soil too. He's just a friend. He doesn't live there".---Yeah, I would have – I could, I could have said that, yes, quite easy.

40 All right.---But, you know, the greenhouse was just, the greenhouse was just a myth. It may happen, it may not happen.

All right. So - - ----But did I say it? Yes, I would have said it.

All right. So did you need the dirt for the purposes of building greenhouses?---No.

Well, did you –can you recall telling the court that you needed the dirt for the purposes of allowing your daughter to ride around your property?---I can't remember but it's true so I could have said that.

Well, can you have a look at page 8 please and at line 15 the magistrate says, "Right, would you like – what would you like to say, Mr Cannuli?" Then Mr Cannuli says, "I've known Reuben and we looked at the land and I said to Reuben, 'Reuben, let's build some glasshouses on here.'" Do you recall Reuben saying that to you?---Sorry, what - - -

Sorry, do you recall – I'll start that again. Do you recall Mr Cannuli saying that to the court?---I can't remember but he could have said it.

10

Can you recall Mr Cannuli suggesting to you that you should build glasshouses?---Yes, at home at one stage but, you know, whether that'd happen or not who knows.

All right. Well, can you recall at line 27 - - -?---Yeah. 27.

20

Mr Cannuli says, "And I said to him, 'Let's build some glasshouses.' 'Yeah, okay.' The land's not straight and we got Nosir here to throw some dirt onto it, level it off and apparently what Nosir's put in was dirt which had some asbestos in it so my involvement in the whole thing is that I wanted to build the glasshouses with Reuben so we could make some money as we retired. That's the guts of it".---Yeah, I think he might have said that but it doesn't meant it was going to happen, not in my mind.

30

Well, what I'm saying – what I'm putting to you, Mr Matthews, is that you've given two inconsistent – two different reasons as to why you were having the dirt put on your property, one is in relation to greenhouses or glasshouses and the second is in relation to your daughter riding her horse and the third is so you can mow around it, and what I'm putting to you is that you never had any intention of using the dirt for any of those three purposes. Do you accept that?---No, I don't accept that.

And that the reason for dumping the dirt was so that you could profit from it?---No, I don't accept that.

And you're aware aren't you that the court also ordered that you remediate the land. Do you recall the court making an order against you in relation to the asbestos that was on the land?---To get tested?

40

Yes.---Yes.

You had to get a hygienist report?---Don't know what that is.

Just bear with me, Mr Matthews.---Yeah, all right.

Can the witness be shown volume 5, page 139? Have you seen this document before, Mr Matthews?---No.

You haven't?---No.

But are you aware that the court required you to fix the contaminated soil on your property?---To test the soil.

Well - - -

ASSISTANT COMMISSIONER: To fix it.

10 MR MACK: To fix it.---No.

ASSISTANT COMMISSIONER: Get rid of it?---No, test it. And then, I assume, if there's anything that shouldn't be there, for it to come out.

Did you test it?---No.

Why not?---Well, Nosir was told to test it and time passed, time passed, and then eventually we had a meeting at the, coffee at Luddenham with Sergio and Frank, for them to find out when and why it wasn't being tested. And
20 then Nosir gave him some reason and then Sergio and Frank said, "Well, we'll give you extra time."

MR MACK: So is it your evidence that Nosir was in charge of - - -?
---Correct.

- - - sorting out the testing?---Correct.

And do you know if he made any inquiries in relation to the testing?---I
30 don't really know. He was, I'd ask him and he'd say, "I'm getting it done, I'm getting it done."

So it was your understanding that they would come and test. And what were they testing for?---I don't know. Testing to see whether there was any material that shouldn't be there.

Such as?---Anything that shouldn't be there.

Including asbestos?---I would say so.

40 And to your mind is there anything on your property that shouldn't be there?---Not to my mind but, you know, I would assume there's something there that shouldn't be there, going by the 11 pieces that were found.

Sorry, can you just repeat the last bit of that answer?---11 pieces that were found.

So you think that there must be something on your land because they found 11 pieces there?---Yeah, well, you'd assume that, wouldn't you?

ASSISTANT COMMISSIONER: Mr Matthews, have you still got this transcript of what the magistrate said in front of you?---Yes.

Can you turn to page 12?---Yeah.

And see in large print there is the magistrate's order. So it says, "So, Mr Matthews, you are convicted and fined \$50,000. There is a 245 order made in terms handed up by the Crown and the time for completion is six months.
10 It can be extended on application but an application actually has to be made."---Yes. Yes.

Did you ever make an application?---No.

Did you hear the magistrate say that?---I can't be sure. I'm not, you know, it's a nervous place to be. I don't know what I was hearing half the time.

MR MACK: Can you recall a conversation with Nosir where he arranges somebody to come out to do the testing?---Sorry, what?
20

Can you recall having a telephone conversation with Nosir when Nosir arranges for a man to come out and do the testing?---Was I there in a phone conversation?

Did you ever have a phone conversation with Nosir about a man coming out to your place to do the testing?---No.

All right. I'm going to play you a phone call and that might refresh your memory.---Okay.
30

Can the witness be played phone call 5310, 14 December, 2015? It's 9.51.37.

AUDIO RECORDING PLAYED

[12.16pm]

MR MACK: I should indicate for the purpose of the transcript that that was call 4353 on 8 December, 2015. If you could have a look at page 2 of that
40 call, where Mr Kabite says to you – and you accept that's you on the phone, don't you, Mr Matthews?---Yes.

At page 2, Mr Kabite says, "Yeah, because that guy Tony is extremely busy before Christmas. You know, I mean, everybody wants to finish the job."
Do you know who Tony is?---No.

All right. Were you worried that somebody might come out to your place and test in the wrong area?---I don't understand what you mean.

Well, did you ever have a conversation with Nosir about where the tester should, the person testing your land, should conduct his testing?---No. Should test it anywhere.

All right. Can I ask that the witness be played phone call 5310, also on 14 December, 2015, at 9.51?

10 **AUDIO RECORDING PLAYED** [12.20pm]

MR MACK: Can the witness also be – sorry. Do you recall if a bloke ever came out to your property to do the testing?---No.

Why does he need a dozer to do the testing?---I assume you've got to dig to do testing.

20 All right. And is there anything that you didn't want the tester to dig near?
---No.

All right. Can the witness be played phone call 1-5-7-3-4, 16 February, 2016, at 7.15pm.

AUDIO RECORDING PLAYED [12.21pm]

30 MR MACK: Mr Matthews, before you told me that there was no wrong area for the tester to dig in and on this phone call you're telling Mr Kabite that you want to avoid the tester digging in the wrong area. Is that correct?
---Yeah.

Well, what did you mean by the wrong area?---Well, I only want him digging where the soil was dropped. I don't want him digging on the rest of my property so make sure he knows where to dig. Don't dig on land that hasn't had any filling on it.

40 That's not true though is it, you were trying to make the person who came to your property who did the testing dig in an area where they wouldn't find contaminated material. That's true isn't it?---No, not true.

No further questions, Commissioner. Oh, Commissioner, sorry. As a matter of housekeeping I should tender the Local Court transcript firstly, and that's the - - -

ASSISTANT COMMISSIONER: Exhibit 19.

#EXHIBIT S19 - TRANSCRIPT OF PROCEEDINGS LIVERPOOL CITY COUNCIL AGAINST NOSIR KABITE, REUBEN MATTHEWS AND ANGELO CANNULI IN THE LIVERPOOL LOCAL COURT ON 5 JUNE 2015

MR MACK: I'll just identify that. It's the Local Court transcript before Magistrate Prowse on 5 June, 2015, and that's a 13 page document. In
10 relation to the calls I just played, I'm happy to tender them, all three calls as one together with their transcripts.

ASSISTANT COMMISSIONER: Any problem with that, Mr Dunne?

MR DUNNE: No.

ASSISTANT COMMISSIONER: So the calls Exhibit 20.

20 **#EXHIBIT S20 - TRANSCRIPT SESSIONS 4353, 5310 and 15734**

MR MACK: Thank you, Commissioner.

ASSISTANT COMMISSIONER: Mr Matthews, could you just clarify something for me. You said that by the time that Mr Izzard came to see you, you thought you had approval from the council in the DA application that you put in to bring more dirt on by that stage. Is that right?---Correct.

30 And that Mr Izzard said that you also needed a certificate.---Some sort of sheet to show what I'm saying is true.

Right. But then the document that was produced with the assistance of your daughter was actually a development application, not a certificate. It was another DA.---Correct. Another application for a DA, as if you were doing it at the beginning.

Yes.---Yeah.

40 But you thought you'd already had a DA approved?---Yeah.

So you're putting in another one?---Well, I put in two before. I thought another one's going to, maybe they're, it's not correct. And with Craig's help to do it right, fill the right sheets out, that it might - - -

But you thought it was all right because you were bringing dirt in - - -?
---Yes.

- - - already?---Yes, correct.

Yes. Yes, Mr Dunne.

MR DUNNE: Is anyone else - - -?

ASSISTANT COMMISSIONER: Is anyone else wanting to ask any questions?

10 MR PATTERSON: I am, Commissioner, if I may.

ASSISTANT COMMISSIONER: Yes, certainly.

MR PATTERSON: Mr Matthews, my name is Patterson. I represent Mr Izzard.---Yeah.

The meeting on 21 October, 2013 at your property 405 Willowdene Avenue, when you met Mr Izzard, was that the only occasion you've met Mr Izzard?
---Yes.

20

And I think you said that Mr Cannuli and Mr Kabite were present. Is that correct?---Andy and Nosir, yes.

Yes. Was that the first time you had met either of them?---Andy and Nosir?

Yes.---No.

So you'd met them previously?---Yes.

30 Did Mr Izzard say anything to you about certification on fill? Do you remember those words? Certification on fill?---Is that the document that he was asking me I should have?

In your discussion with Mr Izzard, did he mention anything about certification on fill?---I can't remember, honestly.

All right. Would you agree with this proposition, that you spoke to Mr Izzard about your intention to erect greenhouses or glasshouses?---I don't remember saying that to him.

40

You don't recall that?---No.

Is it possible that you discussed that with Mr Izzard?---I don't know.

All right. In your discussion with Mr Izzard on that day, did he ever ask you for payment of any money or other benefit?---No.

And have you at any time paid any money to Mr Izzard?---No.

When Mr Izzard provided assistance to your daughter in filling out the paperwork for what you regarded as the third development application, did you think that Mr Izzard had any influence or role to play at council in dealing with that application?---No.

Just pardon me, Mr Matthews. And were you grateful for Mr Izzard's assistance - - -?---Yes.

10

- - - in helping your daughter complete the paperwork?---Yes.

Thank you. No further questions, Commissioner.

ASSISTANT COMMISSIONER: And just as to that, where did you think he came from?---Beg your pardon?

Who did you think he was?---I just thought he was a council person but higher up, because he had different clothes on than what I'm used to seeing.

20

What, from Liverpool Council?---How do you mean?

Was it Liverpool Council that you thought?---I didn't think. I just thought he was a council from either Liverpool or Penrith.

All right. Thank you.---I just thought he was higher up because of his clothes.

Yes. Thank you.

30

MR MACK: Two things arising.

MR DUNNE: (not transcribable).

MR MACK: Did you want to go last or? I don't - - -

MR DUNNE: That's fine.

MR MACK: I'm happy for you – I'm just going to go, and then you can get it all out the way. Mr Matthews, I've just got two questions for you. One is in relation to the meeting you had with Mr Izzard in October 2013. Do you know if Mr Cannuli had met Mr Izzard before that occasion?---Don't know.

40

Okay. And just one question in relation to some sheds that are on your property, if the witness could be shown volume 18, page 38. Can you see those red rooves?---Yes.

Are they sheds?---Yes.

Did you get development approval for building those sheds?---I'm not quite sure.

When were they built?---Yes.

When were they built?---Oh, sorry. When were they built. A few years ago.

10 In the last five years sometime?---Yeah. It was written on one of the concretes if I could get a closer look on it but - - -

I don't think we can get that close.---You know how you write on concrete.

20 But you can't recall whether or not you wrote to the council and asked them for permission before you built?---I think that when you – when I got the sheds, bought the sheds and then they bring them out and then they get a builder to build them up that they do the DA. That's what I assume. At one stage I would have – I asked that on the first shed and was told that and then the second shed was from the same company so, so I don't think – I think that they arranged that.

Can you recall being shown any paperwork in relation to the DA for those sheds?---No.

All right. Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Dunne.

30 MR DUNNE: If that photo volume 5, page 38 could stay on the screen. Mr Izzard, you've owned and lived on 405 Willowdene since 1979 I think you've told His Honour?---Built in '79. Moved in in '80.

Moved in in '80 and you've lived there the whole period of time?---Yeah.

And you currently live there?---Yeah.

And is it your intention to remain living there, is there any intention to move?---No.

40 And you live on that property with your daughter?---Yes.

Renee?---Yes.

And your son?---Yes.

What's your son's name?---Reece.

Reece. Looking at the photograph there's the two red sheds - - ----Yes.

- - - that were pointed out to you by Counsel Assisting and they're near the boundary line, is that correct, of your property and the adjoining property?
---Yes.

And then there is a long, greyish rectangular structure which is your house.
---Yes.

Then moving down there is a white rectangular structure.---Yes.

10 And is that a shed?---Yes.

And is that a shed where your daughter - - -?---No.

That's not the shed?---No.

What's - - -?---Sorry for assuming but, no. That's a shed for tractors and
- - -

20 That's a shed – and there's two other little, white - - -?---They're shipping containers.

They're shipping containers. Whereabouts on that diagram is your daughter's shed?---The large one of the two red ones.

The large one of the two red ones. And where the house is and where those structures are is a green area and then there is the dirt area - - -.---Yeah.

30 - - - underneath that and that's where the land fill is. Is that correct?---
Correct.

And so the landfill is using your best estimate what, about at closest 100 metres from where you live?---From the shed?

From where – from the house from where you live.---From the house.

The area just to the left of the - - -?---Yeah, I know what you're saying.

40 - - - white shed?---It's about, probably, see I talk in feet. It's probably about 250 feet.

All right. It's close to where you live though isn't it?---Yeah.

And would you tell the Commission whether it would be your intention to fill in parts of your property with contaminated material knowingly living so close to it as you do?---No, I wouldn't.

In 2000 – Counsel Assisting put to you three reasons that you've given in relation to wanting the landfill put on your property. Do you recall that?

---Yes.

The first two that you gave were in relation to fires, so that you could mow the property.---Yes.

Do you recall that?---Yes.

The second was for your daughter to ride horses. Do you recall that?---Yes.

10 And the third was a glasshouse.---Yes.

In relation to the fires, did something happen in the year 2000, just after you started living there?---In the year 2000 the fires went through. They burn 25 big 30-foot pine trees I'd put in there. Burnt the whole lot out. Burnt all the trees out. Burnt the inside fence out. Burnt a stable out and nearly took the shed out. And then it wasn't useable before that. And then when the fires come through, there must be seeds down there that are just waiting to come up from heat, and up they came.

20 So your concerns about fires wasn't hypothetical, was it? It was as a result of an actual fire that had damaged your property, is that right?---Yeah.

And so one of the reasons that you wished to fill in that land was to enable you to maintain it - - -?---That's right.

- - - to prevent fires, is that correct?---That's correct.

Now, your daughter has a shed on there where she makes saddles.---Yeah.

30 And she rides horses.---Yeah.

And so, again, it's not a hypothetical reason that you would want to fill in your land to make it more level so she could ride horses, is it?---Correct.

Then we come to the greenhouse reason. And I think you said, you answered the questions, that was a myth, I think, and it may not happen. Is that right?---Correct.

40 You're good friends with Mr Cannuli, aren't you?---Yes.

And so is it the case that you had discussions that greenhouses could be put there once you levelled out the property?---Yeah. But, you know, it's just a - - -

But you tell His Honour the primary reasons that you intended to fill in that land as firstly to avoid a repeat of the fires that occurred in 2013.---Correct.

And indeed as you told inspector Luna, at his interview on 10 March, 2015, so your daughter could ride horses.---Yeah.

Now, having said that, can you offer any explanation to the Commissioner why it was, when you were before the Local Court, before a magistrate on 5 June, the only reason you gave was the greenhouses?---(No Audible Reply).

You have to say no. Sorry, you were shaking your head.---Yeah, no.

10 You have to answer, I'm sorry.---Sorry.

And when you appeared before the 5 June, 2015, had you ever appeared in court before?---No.

That was your first time?---Well, if you don't count a divorce, yeah, that's the first time.

I see. And on that day you're in company with Mr Cannuli and Nosir but you didn't have a solicitor.---No.

20

Do you think that was a wise move? Retrospectively now?---No, I don't think it was wise.

But you tell His Honour, do you not, that the main reason why you wanted the landfill was in fact to avoid the repetition of the fire?---Correct.

And allow your daughter to ride horses. You were briefly asked questions by Counsel Assisting about meetings that you had with Mr Bono and Mr Luna.---Yeah.

30

And you were present in court when both those inspectors were examined, asked questions in this Commission, weren't you?---Yeah.

Do you recall you told Counsel Assisting that you met them on three occasions.---Yeah.

You say the first one was in May, the second one was in the court in June and the third time was sometime after the court date. Is that correct?
---That's correct.

40

But you would have heard about a meeting that took place on 8 April, 2015?---Yes.

And you had no recollection of attending that meeting on 8 April, 2015?
---That's correct.

Is that correct?---(No Audible Reply)

Over the weekend did you make some inquiries as to what you may have been doing on 8 April, 2015?---Yes.

And is it the case that you uncovered a Sydney Royal Easter Show webpage which – did you – webpage?---Yes.

Or your daughter did?---Yeah.

10 And that showed that the Sydney Royal Easter Show in 2015 went from 26 March to 8 April, 2015.---Correct.

And what is your recollection about that Royal Easter Show, what were you doing while that Royal Easter Show was on?---The Australian Saddle Association had a display there and my daughter's the secretary of the Association and I'm a member and we had to attend every day and we'd leave home at 7.00 in the morning to get there and left there at 6.00 and got home at 8.00 every single day.

20 So you're telling His Honour that as the Easter Show was on 26 March to 8 April inclusive you attended the Royal Easter Show on each of those days including 8 April - - -?---Correct.

- - - with your daughter?---Correct.

Did you in fact attend on 9 April as well?---Yes.

And the reason for that was to help pack – your daughter pack up.---Yeah.

30 Is that right?---Yeah.

And the Royal Easter Show was held at - - -?---Homebush.

- - - Homebush and so it would have taken – would it have taken from Homebush to Liverpool driving by a car an hour, hour and a half?---Probably.

Each way, three hours?---Yeah.

40 Plus a meeting, a hour?---Yeah.

That's about four hours.---It took half an hour to get to the car park.

So it'll take four or five hours if you were to have left the Easter Show and travelled to Liverpool for the meeting which took place on 8 April?---Yeah.

But in any event you're telling the Commissioner that your recollection is that you were present at the Easter Show for the whole of 8 April?---Correct.

And that you didn't attend the meeting on 8 April?---Correct.

Were you paying attention with what was going on when the trucks were coming in and depositing the landfill on your property?---Not really.

What were you doing, just occupying yourself in the house?---Yes.

10 So apart from knowing that the area which is shown in volume 18, page 38, apart from know that all that area in clay colour was being filled – it's on the screen (not transcribable).---Yeah.

You wouldn't know what type of landfill was deposited anywhere on there would you?---Correct.

You'd only know that landfill was going there?---Yes.

20 You wouldn't know what were the right or the wrong areas to dig in would you?---No.

And in fact you're telling His Honour that you were unaware that there was any contaminated material.---Correct.

Thank you. Those are my questions.

ASSISTANT COMMISSIONER: Just before you sit down, Mr Dunne.

MR DUNNE: Yes.

30 ASSISTANT COMMISSIONER: Mr Matthews, did you think it was unusual that you were getting all of this clean fill for nothing?---No.

Are you used to the idea that somebody is just going to come along and donate a whole lot of clean fill for you?---No. My brain would tell me that to put soil somewhere else somebody must be getting paid – have to pay for that and to bring it to my place, good soil, would probably be cheaper so in between the truck driver's paying less and the dozers charging him less. Do you follow what I mean?

40 Yeah.---Yeah.

But you weren't expecting any payment yourself?---No.

And you weren't paying anybody else?---No.

All right. Thank you.

MR DUNNE: Just if I just might follow on from the Commissioner's question. So is this the situation? When you had decided that you wanted landfill into that area of your property, did you mention it to Mr Cannuli that you wanted to fill in that part of your property?---Yeah, in a conversation.

You had a conversation with him. And he knew that you wanted to fill it in?---Yeah, well, he, the conversation, couldn't mow it, the fire had been through, all that sort of thing.

10

You went through all of that. And was it the case that Mr Cannuli said, "I know someone who can fill it for you?"---Yes.

And at that stage did you sort of ask how much that will cost or something along those lines?---No.

No?---He just said it will be free.

20 He told you it would be free and you thought it was too good an opportunity to pass up on, is that right? But it was your house and where you were living.---Yeah.

And so you didn't expect that the fill would be contaminated?---No.

And you didn't intend or knowingly brought fill in there that was contaminated?---No.

Is that correct?---Correct.

30 Those are my questions.

ASSISTANT COMMISSIONER: Any re-examination?

MR MACK: You've known Mr Cannuli for over 30 years, is that correct?---Yes.

And what year did the bushfires damage your property?---2000, I think it was.

40 And what year did you ask Mr Cannuli for some fill for your property?---I didn't ask.

All right. Sorry, I thought you just told Mr Dunne that you did ask Mr Cannuli for some fill for your property.---No, he said he knew a bloke that could bring in some clean fill.

All right. But he said that in 2012, around about?---Yeah.

So it never occurred to you between year 2000, when the bushfires occurred, and 2012 that you might want some clean fill to avoid damages caused by bushfires?---No.

And currently are you worried about the health consequences of contaminated material being on your property for your son and your daughter and your livestock?---Yes.

10 And are you doing anything to remediate your property, to get rid of the contaminated material?---At the moment, no.

Why not?---Well, I'm waiting for all this and I'm waiting for Nosir to do testing and waiting for him to take it out.

So you think Nosir's going to come into your place, load up all the dirt he's taken in there and then ship it off somewhere else?---I hope so.

20 And do you know how much – are you expecting to pay any money to make your property better again?---No.

Do you know how much it would cost?---No.

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

ASSISTANT COMMISSIONER: Yes, thank you. Thank you, Mr Matthews, you can step down. Any reason why Mr Matthews can't be excused? You're excused from the hearing if you want to go.

30 **THE WITNESS EXCUSED** **[12.48pm]**

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: I call Mr Cannuli.

ASSISTANT COMMISSIONER: Mr Cannuli, will you take an oath or an affirmation? An oath on the Bible or an affirmation?

40 MR CANNULI: I'm Catholic, so it'll be the Bible, yeah?

ASSISTANT COMMISSIONER: Just take a seat there, Mr Cannuli. You've no doubt heard it explained to other witnesses that in the course of answering these questions you might leave yourself open to either civil or criminal liability.---Yes.

10 I can make an order protecting you from that if you want me to. Do you want me to?--I don't know. Should I do that, yeah?

Yes, I think so.---Yeah.

So I'll make an order.---Okay.

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

40 ASSISTANT COMMISSIONER: That simply means that anything you say here, in giving evidence, can't be used against you in any way. The important thing to remember, however, is that you must tell the truth, because if you don't you can be prosecuted for perjury, okay?--Yes.

Yes, Mr Mack.

MR MACK: Mr Cannuli, can you tell - or first of all, is Cannuli correct pronunciation?--Cannuli, yes.

Mr Cannuli, can you tell the Commission your current address?--

██████████.

And what was your previous address?---

██████████.

And when did you move from ██████████ to ██████████?---I think it was about 2010, 2012. About 2012.

2012. And you never lived at 405 Willowdene Avenue?---Never lived there.

10 But you've known Mr Reuben Matthews for a long time, is that correct?
---Yes.

And how did you first meet Mr Matthews?---Reuben gave me a job with Neeta Homes in '72.

How long did you work for Neeta Homes?---About four or five years.

All right. And what's your current employment?---Retired.

20 And when did you retire?---Three years ago.

So 2013?---Yeah.

And what was your - - -?---Pension, pension.

And prior to 2013?---I was involved in the market.

In the - - -?---Market.

30 What kind of market?---Flemington Market.

Okay. And how long were you involved in Flemington Markets for?---30-odd years.

From about 1983 to 2013?---Probably.

40 Maybe I'll put it this way. Did you do anything in between leaving Neeta Homes and going to Flemington Markets in terms of employment?---I sold cars for a couple of years but basically the bulk of my work in life was at Flemington.

And do you know a Mr Nosir Kabite?---Yes.

And do you know him by any other names?---Well, I thought it was Tibbt.

How do you spell that?---T-i-b-b-t. But it's K-i-b-b-t.

Okay. But how do you refer to this gentleman? What do you call him?

---Nosir.

Nosir.---Nosir.

When did you meet Nosir?---I don't know. 10, 15 years ago.

And what did Nosir do when you met him, for a job?---He was always into demolishing and excavations and all that sort of thing.

10 Okay. And if you were involved in gardening, how did you two cross paths. In market gardening, sorry, I should say.---I don't really know.

Were you introduced to him?---Could have been that I might have met him in jail, because I done a stint in 2010, which I could have met him there.

Can you recall having any discussions with Nosir about dumping soil, whilst in prison?---No.

20 Can you recall ever having a discussion with Nosir about transporting soils around Sydney?---Not really. We just said that that come up because of Reuben, because he wanted – I thought that we were going to do some glasshouses there. And that was basically the way it started. And I said, yeah, I know Nosir. He might be able to get some dirt for us.

All right. And that's in relation to 405 Willowdene Avenue?---Yes, Reuben's place.

30 Were there any other properties that you were familiar with that took landfill?---I know that we done one at the golf course on Park Road and I think we done another one at – another mate wanted some at Elizabeth Drive we done one.

Okay. And are you sure – when you say the golf course, do you mean – does the address 235 Park Road refresh your memory about the precise location?---I don't know. If that's the address well, that's, that's where it was.

40 I'm going to take you to a few documents in relation to a property at 235 Park Road. It's at volume 10 and page 1 of volume 10. This is a file note that somebody from the Liverpool City Council made in relation to 235 Park Road, Wallacia.---Mmm.

Before I get you to read it, can you recall ever meeting anybody from Liverpool City Council or any person from any council at a property at Wallacia?---I don't even know which one this one is.

All right.---Oh - - -

Do you know a Mr - - -?---Kim, Kim, Kim, yeah. I know Kim because he, he grows cherry tomatoes for me. We chose to sell at the, at the market for him.

So you sell tomatoes for Kim?---Yeah. Cherry tomatoes, yes.

Okay. And do you recall where Kim lives?---Yes.

10 And does he live in Wallacia?---He's, he's on Park Road, yeah?

Yes.---Yes.

All right. Do you recall meeting an officer Barry Ryan at Kim's place?---I can't remember the name but - - -

You recall meeting somebody from the council there?---Yeah.

20 And so were you dumping soil at Kim's place?---We done a, we done a dam for him there and, and we dumped some soil. Nosir done – excavated a dam there and dumped some soil for Kim.

So what did he use the soil for?---But – yeah, but that was prior to, that was prior, that would've been about 2'08/2'09.

All right. Well, this report says it was 235 Park Road and - - -.---No, I'm talking about the date.

Oh, the date, sorry.---Yes.

30 This says it was on 2 May, 2012.---Oh, right.

Does that not sound correct to you or - - -?---No. Because, because we – Nosir dumped some soil for Kim there before I went to gaol and what I done after he, I went to gaol I don't know.

Can you recall going back to the place after you got out of gaol?---Yes, I did and we went there oh, it could have been 2'12, yes.

40 Okay. And this is separate from what you're telling the Commission in relation to a golf course in Wallacia?---No. We done a gold course there also.

Yeah, also. Okay.---On Park Road.

All right. And if Kim was – was he digging a dam?---Nosir was digging a dam for him.

All right. And that involved getting material out from the ground. Is that correct?---Yes.

So why did Nosir need to bring material in?---I don't know. I can't answer that question but, but I know that, that Nosir built a dam there for Kim.

Okay. And what was your involvement with that property?---Nothing. I just knew Kim, I just knew Nosir.

And did you put Kim in touch with Nosir?---Yes.

- 10 And can you recall in what context you introduced them? Did you say – why did you put them in touch?---I think because Kim wanted to build a dam there and - - -

- 20 Can I get you to have a look at page 4 of volume 10? I'm going to read something out to you and I want you to tell me if you sound surprised. This is an email from Jacqueline Ingham, from Darren Riding to Jacqueline Ingham, and these are all investigators and people from the EPA. And Darren Riding writes, “Through inquiries it has been ascertained that in excess of 500,000 tonnes of fill has been imported onto the property over an 18-month period. Within that fill, broken asbestos fibro material was found, which has been tested and confirmed to be chrysotile and amosite.” Does that surprise you, reading that now?---Yes, it does.

It does? Because 500,000 tonnes is a lot of material.---That's a lot of material. You're right.

Did you have any idea that, no, right. Commissioner, that might be a convenient time.

- 30 ASSISTANT COMMISSIONER: Yes. We'll adjourn till 2.00.

LUNCHEON ADJOURNMENT

[1.01pm]