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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 29 AUGUST, 2016

AT 2.00PM

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

ASSISTANT COMMISSIONER: Mr Cannuli, you're still on the same oath to tell the truth.---Thank you.

Mr Mack.

10 MR MACK: Commissioner, I might raise something before I start my questions. During the lunch break towards the end, Mr Cannuli approached one of the officers for the Commission and asked whether or not in the officer's mind it was in his interest to get a solicitor. The officer has quickly indicated that we should be having this discussion in an open inquiry so I thought I'd raise it with you first. Mr Cannuli himself might have some concerns and I just thought I'd raise that at this - - -

20 ASSISTANT COMMISSIONER: Mr Cannuli?---I don't know. I, I, I feel, I feel a bit nervous here, you know, that he's asking me questions about something which happened seven/eight years ago that I may not remember or I might say the wrong thing. I don't know, you know.

So do you want to get a lawyer?---I don't know, Your Honour. What do you think?

Well, I suppose it's always possible in a situation like this that some adverse findings may be made against you so it's always advisable to have a lawyer in those circumstances. The Legal Representation Office, would they be able to provide somebody?

30 MR MACK: I'm instructed that somebody from the Office might be able to come and see him in a very short amount of time but whether or not that person will be able to be instructed is a different question from whether or not somebody will be able to act on Mr Cannuli's behalf. Might have a longer time lag. As I understand it, there's on standby as such.

40 ASSISTANT COMMISSIONER: Right.---I'm comfortable, I'm comfortable as long as that he sort of understands that he may ask me questions which I may not be able to answer so I, you know, like I don't want to keep saying I don't know or no, you know.

All right.---If – I don't know.

How long – is it possible for somebody from the Legal Representation Office to come up quickly to have a word with?

MR MACK: We can make inquiries, Commissioner.

ASSISTANT COMMISSIONER: Yeah.

MR MACK: There is of course the section 38 order as well that's sitting in play.

ASSISTANT COMMISSIONER: Yeah.

MR MACK: I'm not sure if Mr Cannuli fully appreciated the effect of that but that should probably all be explained to him at some stage again.

10 ASSISTANT COMMISSIONER: Yeah. Of course, you understand that the order that I made at the beginning was that nothing that you say here today - - -?---Yes.

- - - can be used against you in any way in either any civil or criminal proceedings and the only thing that can occur to you as a result is if you deliberately tell lies - - ----Tell lies.

- - - then that's a different situation but otherwise nothing that you say now that I've made that order can be used against you.---Well, let's keep it going then.  
20

All right. Well, look, if you feel uncomfortable at any stage just let me know and I will also keep an ear out for anything that might cause you a problem and in the meantime perhaps an inquiry could be made at the LRO anyway and see what their answer is about getting somebody but I think if you're comfortable proceeding on the basis of the protection that I've given you already - - ----You've got my back. Let's keep going.

Okay. I'm not sure that I've actually got your back, but still.  
30

MR MACK: Mr Cannuli, you gave an electronic record of interview to some officers from the Commission on 31 March, 2016. Do you recall having that interview?---Interview with who, sorry?

So, people from the Commission.---With Michael and - - -

Yeah.---Yeah. Yes.

All right. Well, I'm about to move on to the topics that you covered in that interview.---Yes.  
40

So that'll be familiar territory in that sense. But before I move on to that topic - - ----Yes.

- - - I just want to explore with you two more things - - ----Yes.

- - - in relation to issues that weren't explored during that interview.---Okay.

And you'll recall before lunch that we were speaking about a property at 235 Park Road.---Kim's place.

Kim's place. And I just want to make sure that I have it correct - - ----Yes.

- - - and my understanding is correct. Did you organise for Nosir to go to Kim's place to - - -?---Build a dam for him.

10 And dispose of soil and material?---Apparently he dumped soil there between 2009 and 2010, ah, 2011.

2009 and 2011?---Yeah.

Okay. And you also mentioned a golf course.---Yes.

Which was separate from - - -?---Yes.

20 - - - Kim's place. Now, in - - ----The golf course is on Park Road, about three kilometres further down.

Okay. Now, I'm going to move on to evidence you gave during your interview with - - -.---Yes.

- - - the Commission officers. You said – could the witness be shown volume 14, page 94, point 3? What's going to come up on the screen - - - ---Yes.

30 - - - is a transcript of the interview you had with the Commission's officers. ---Yes.

And if you just scroll down to line 30, and you'll see there's an exchange in relation to a site at Park Road. And then you answer, "Because one of the guys, when we were dumping at Reuben's, wanted about, I don't know, 10 or 15 or 20 loads of dirt to fill up some hole on Park Road."---Yeah.

40 If that's the one you're talking about. And then over the page, you say, "Okay. That's the only Park Road I know. There was a golf course down there but I think there was about 10 to 20 loads they wanted to fill up." ---Yeah.

Does that refresh your memory in relation to - - -?---Yes.

Okay.---But then when you brought up Kim's, because Kim's was prior to 2010, when we started there. I even forgot about that, you know?

Okay. Okay.---But that's - - -

All right. So, can you – you say in that interview on the screen that there was 10 or 20 loads that went to the golf course at Park Road.---Yes.

Can you be more accurate? Is it more likely to be 10 or more likely to be 20?---I can't answer that question because I knew the guy that was running the golf course and he wanted filler. One of the holes had a bit of a dint in it, and I put him on to Nosir and then if Nosir put in 10, 20 or 50 or 100, I don't know.

10 Okay. And when you say a load - - -?---Yeah.

- - - what do you mean by a load?---Well, a load can be either a truck or a truck and dog.

All right. And how many tonnes can you typically fit in a truck without the dog?---I don't know. Eight tonne, 10 tonne. I don't know.

And how much is a truck and dog together?---Double that, I suppose.

20 So around about 20?---Yeah.

Okay. So these are - - -?---I would say there would be 10 tonne in there. It could be eight, it could be 20. I don't know.

Okay. But if you're talking about 10 loads going to a golf course, for example - - -?---Yes.

- - - that could be up to 200 tonne?---Yes. If it's truck and dog, yes.

30 If it's truck and dog. And do you know how much a truck and dog would cost to tip at a waste facility with a weigh bridge, for example?---No, I don't know that. But to answer that question, because I kept asking Nosir. I said, "Nosir, how are you making money?" He says, "Because the people pay me where I, if he's doing an excavation, where he gets the dirt from, they pay me. And if I can dump it somewhere, I don't have to pay the tip fees." So obviously that would have been his profit.

But you don't know how much the tip fees are?---I've got no idea.

40 And do you know if you need permission to dump, for example, 10 loads' worth of soil on a property?---No.

In your mind what – was what Nosir was doing in avoiding tip fees - - -?---Yes.

- - - was that against the law in your opinion?---Well, how can it be against the law?

But did you think Nosir was doing something illegal when he was - - -?  
---No.

I'm going to focus now on 405 Willowdene Avenue.---Yes.

And I'll just ask that a picture be shown of it. This is volume 18, page 38.  
Do you recognise this picture and this property depicted in this picture?  
---Yeah.

10 And that's 405 Willowdene?---Yeah.

Do you recall when material – do you recall having a conversation with  
Mr Cannuli - - -?---I'm Cannuli.

Sorry, with – Mr Cannuli, do you ever recall having a conversation with  
Mr Matthews - - -?---Yes.

- - - about bringing material on this site?---That, that would have started  
about 10/15 years ago, you know, because I, I'd go and see Reuben because  
20 Reuben gave me the first job when I got married at Neeta Homes and I just  
sort of remained friends with him and I went to see him there one day and  
his joint was all up and down. I said, "Reuben." I said, "Get that filled.  
We'll put some glasshouses on there." Reuben, Reuben said yes at that time  
but whether he meant yes or no that I don't know. I said, "Well, we'll level  
her off because you're getting old, I'm getting old. It could be a little  
retirement plan do build the glasshouses." Because his joint was just  
ditches.

30 And when did you have this conversation about a retirement plan?---Well,  
that, that would have been, I don't know, 2'08/2'10.

Okay. When did you – when did the first trucks start rolling into  
Mr Matthews' place to the best of your recollection ?---Well, that would  
have been after I came out of gaol which would have been 2'11/2'12 I  
suppose.

So you had the conversation before you went into gaol?---Yeah, yeah.

40 And then did you chat - - -?---And, and that, and that's probably where,  
where I did meet Nosir, you know, like, you know, because you asked me  
that question before and I couldn't remember where, you know.

But now thinking through it again you think you met Nosir for the first time  
in gaol?---Possibly, yes.

And you got out of gaol in 2011. Is that correct?---Yes.

And can - - -?---No. Well, December, '10 which was nearly '11 anyway.

Yes. And can you recall the conversation you had with Nosir about – in relation to Reuben’s place?---Yeah, because I just said to, to Nosir I’ve got a place where we’ve got some ditches and if we can level it off it’d be great. He come out and had a look. Yeah, yeah, yeah, we do. And that’s basically how it got started.

Okay. And do you recall – what was – can you drive a dozer?---No.

10 Can you recall being onsite when some people from the council came out to the property?---I’m sure that I was onsite one time when Bono came out and I could have been there when one lady came out.

If I told you her – that lady’s – if I suggested the lady’s name was Anna?  
---Anna, that – and, yeah.

I want to focus on the time when Anna came out.---Yes.

20 Is it your recollection that Anna came out before Frank?---I’m sure, I’m sure that Frank came out with a lady also.

Okay.---Because I saw Frank there once or twice and we’re going back ten years ago, you know.

No, we’re not going back that far, Mr Cannuli. We’re only going back to 2012 which is what I’m trying to establish with you because what Anna says  
- - -?---Yes.

30 - - - is that on 31 March, 2012 - - -.---Yes.

And I can show you her statement if you want.---No.

Is that she went out to 405 Willowdene - - -.---Yes.

40 - - - and you became upset and accused her of planting fibro on the property. Does that refresh your memory about when you met Anna?---Yes. When Anna come, when the lady came out, Anna, she found a piece of fibro. And I, being a smartarse, could have said, “How do I know that you didn’t drop that there?” I could have said that, yes.

And do you recall if Frank was with her at that time? Or was Anna with somebody else or by herself?---I can’t remember. But I do remember that Frank came out there with a woman also.

Okay. I’ll come to Frank later.---Okay.

But what I’m putting to you is that Anna came out for the first time in March 2012.---Yes.

You might have said something in a smartarse kind of way about - - -?  
---Yes.

- - - her planting fibro?---Yes.

Do you recall Anna telling Nosir and yourself to cease bringing dirt into the property?---She didn't tell me. She may have told Nosir.

10 Okay.---But I think at that stage I'm sure that we did stop.

Yes. All right. And do you recall when you started again?---Well, we would have started again after Reuben was pretty comfortable that they put some DAs in, and he was saying something about the girl said everything's all right. So, everything's all right, let's keep going. Get this place finished.

20 Are you sure that Reuben put a DA in? What knowledge of the DA do you have?---I'm sure that I even went to the council one day there with Reuben. I'm not a hundred per cent sure but I'm pretty confident that one day I did go down there with Reuben to put a DA in for this place of Reuben's. Because fellow who now passed away, Vengeli, Val Vengeli come with us, because he knew all the blokes in the council. And Val said, that's right, Val Vengeli said, "Come on. I'll come with youse and we'll straighten this mess up."

And to your knowledge, was the DA approved?---I don't know. I can't answer that question because I wouldn't have got that paperwork. Reuben would have.

30 Do you know Mr Izzard?---Yes, I do.

Mr Craig Izzard?---Yes.

And how many times have you met Mr Izzard?---I don't know, 10, 15 times.

Were you in the courtroom this morning when Reuben gave evidence of a conversation between yourself, Mr Izzard and Nosir?---Yes, I was there.

40 And I'm just going to show you the picture again of 405 Willowdene, of Reuben's place.---Yes.

Do you accept that a conversation took place between yourself, Mr Izzard, Reuben and Nosir at Reuben's place?---Well - - -

Before that, do you accept that you all had a conversation?---You're saying we did and I'm sure that we would have had a talk about this place with Craig and Reuben, yes.

And can you recall where on that picture that - - -?---No.

- - - conversation took place?---No. No.

Can you recall if that was the first time you'd met Mr Izzard, or Craig as you call him?---We met Craig when he came out to the farm. Whether that was the time that Reuben and I was there or prior to that, I don't know. But I know that I met Craig on Reuben's farm.

10 More than once?---I think we might have met a couple of times there. Because then he helped Reuben's daughter with the DA approval.

You need to be clear on this though, Mr Cannuli. Do you recall meeting Izzard, Mr Izzard more than once at Reuben's place?---I'm going to say, yes. Because I think that we did - I honestly believe that I saw him there more, more, more than once.

20 Okay. And at least one of those times was when Reuben was there also, is that correct?---Yeah. But Reuben's always there. He's a hermit there.

So can you recall seeing Craig and Reuben together at Reuben's place more than once?---I, I can't answer that question. But I would have to say, yes.

And can you recall seeing Reuben, Nosir and Craig all together at Reuben's place more than once?---I'll say yes to that question also.

You've got to be careful when you say you'll say yes - - -?---Yes.

30 - - - you need to be sure that you can recall - - -?---I can't visualise but I'm sure that, that, that Craig come to the farm and once or twice or three times but I'd say it would have to be more than once.

Can you recall a conversation or can you recall the occasion when Craig had the discussion with Reuben about helping Reuben's daughter complete the DA?---No. No.

You can't recall that discussion?---I can't recall it but, but I'm sure Reuben told me about it and I could've even been there.

40 Can you recall if at the time of that conversation there was trucks going in to Reuben's place with Phil?---I, I, I don't think so.

Before you said that Anna came out to the place and the trucks stopped, do you recall saying that?---No.

All right?---I didn't say that.

Is it your evidence that when Anna come out - - -?---Come, yeah. We stopped the trucks.

Stopped the trucks, yes?---Yeah. But not because Anna was there.

Why?---I don't know. I thought the question that you were asking me that we, that, that we stopped the trucks because Anna was there. We didn't know that Anna was coming and how can we stop the trucks? If the trucks are rolling - - -

10

Did Anna come and tell you to stop the trucks?---I'm sure, I'm sure that she, she would've said you've got to stop this until you get it all DA approved.

Okay. And was there a period of time when the trucks did in fact stop?---Stop, yes.

And can you recall when they started again?---No, I can't recall that.

Can you recall why they started again?---I can't recall that, no.

20

So your evidence is that they just started coming again but you don't know why?---No.

Are you aware that there was much concern in the community and complaints from residents about trucks coming into Reuben's place?---No.

Are you aware that on the first time when Anna went out there that the Council tested the soil for asbestos?---I don't know that.

30 You didn't know that?---No.

I'm going to move on now to the meeting you had with Frank at Reuben's place.---Yes.

Can you recall how many times you met Frank at Reuben's place?---Well the first time when he come with a girl then, then I think Serge and, and Frank were interviewing Reuben, then I was there and I think they interviewed me the same day but I can't remember if it was the same day or not.

40

Okay. Is there some family connection between you and Frank?---I used to sell tomatoes for his dad many years ago.

So you knew Frank?---I knew Frank, yes.

And I want to explore with you when Frank and Serge both came out. ---Yes.

Can you recall them interviewing Reuben?---Yeah.

And where were you when they interviewed Reuben?---Well, Reuben's patio is probably as long as this courthouse

Yes.---And they were over there and there was a fence – not a fence but a wall here with a door. And I was outside the wall because I think Serge said we can't be in the same room. So I waited outside.

10 And do you know how long, approximately, Reuben was being interviewed for?---I don't know. An hour, half an hour, three quarters of an hour. But I say it would have been around about the hour time, for sure.

And what were you doing during that hour?---Talking to his daughter and watching her make saddles.

Talking to Reuben's daughter?---Yeah.

20 Did you make any phone calls?---I don't know. I might have.

Can you recall phoning Craig?---No.

Did you call Craig and let Craig know that Frank and Serge were interviewing Reuben?---No.

Are you sure about that?---I'm sure about that. What would Craig have to do with Serge interviewing Reuben?

30 I don't know. That's why I'm asking. Did you call Nosir?---I might have but I can't recall it.

So it's a possibility that you called Nosir?---Could have been, yes.

And why would have you called Nosir? This is at the time when Reuben's being interviewed. You say that you might have called Nosir. Why might have you called Nosir?---I might have. I'm not saying that I did.

40 Why is it a possibility? Why would you have cause to call Nosir?---I don't know. Because Nosir had his tractors and bulldozers and trucks there on the farm. And I don't know. I can't answer that question.

Is it because you knew that Nosir would call Craig?---I don't know.

Do you know if Nosir often spoke to Craig?---I can't answer that question. I don't know.

You said that at another – at a time after the interview with Reuben, that Reuben had with Serge and Frank, that you also had an interview?---Yes.

Do you recall where that interview was?---I know that I had an interview with Serge at the council meeting, at the council office. And whether they interviewed me at Reuben's place or not, I can't remember. But they might have interviewed me at Reuben's place. But - - -

Can you recall - - -?--- - - - I know that I saw Serge in the council chambers.

And can you recall walking out on a meeting you had with Serge?---Yes.

10

All right. Do you know, well, why did you storm out of a meeting with Serge?---Well, because I was under the impression that I was going there to Serge to get the DA approved and to get the things going with the greenhouses. And then I can't recall what he said it was about. I said, "Mate, I'm not here for that. I don't care what they do with the dirt. All I want to do is get the place finished so we can put these greenhouses on there."

20

Commissioner, I should just interrupt my train to indicate that I've got a note that LRO lawyers, there's no lawyers available for advice or representation this afternoon and the best they can do is an application this afternoon with representation tomorrow.

ASSISTANT COMMISSIONER: What do you want to do about that, are you happy to keep going or do you want to - - -?---Keep going.

Okay.

30

MR MACK: I want to focus your mind back onto that meeting with Serge when you stormed out.---Yes.

And you said you were there in relation to a development application. ---Yes.

And that was a development application for Reuben's place. Is that correct?---Yes.

At that - - -?---That's what I thought I was going there for.

40

Okay. Why did you need a development application?---Because in my mind my focus was on building the greenhouses but now after hearing Reuben's testament that it was probably the, the furthest thing from his mind but - - -

And so you needed a development application in relation to the greenhouses so you could bring the dirt in. Is that correct?---No, no. We, we had to level the, the block off so we could build a - you know, because you can't build glasshouses on a mountain. We sort of had to level her off.

So could you bring the dirt in irrespective of whether or not you had a development application?---I don't know. Obviously not from, from what, what I'm hearing here today.

Can the witness be shown Exhibit 12. What I'm showing you, Mr Cannuli, is records from a notebook that Serge took during this meeting where you stormed out and you will see that the date at the top is 23 March, 2015.  
---Yeah.

10

I want you to – can you just go to the next page. Can you read that writing, Mr Cannuli, or do you want me to assist a little bit?---Yeah, please.

There's one important part that I need to bring to your attention.--- Yes.

20

And you will see about four lines from the top there's a sentence that begins, "I tried to explain to him", that's you, "your obligations under the Act which allow us to obligate you to speak but yelled over the top of me stating that his involvement with 405 Willowdene Avenue, Luddenham has been since 1972".---Yeah.

"He then stormed out of the interview room." Do you see that?---Yeah.

Do you accept that - - -?---That I've known Reuben since 1972.

Yes.---That's what I tried to explain to him.

30

Okay. Did you at that meeting tell him that you'd occupied - - -?---I never ever said that I occupied. I never lived there at all.

Can the witness be shown Exhibit 13 and these are notes of a meeting between yourself and Serge on 8 April, 2015 and does this refresh your memory in relation to having another meeting with Serge, so there was a meeting with Serge where you stormed out which I've just taken you to.  
---Yeah.

And then he's got notes from a meeting a couple of weeks later, in April.--- Right.

40

Just you and him. Is that - - -?---Yeah, because Bono said we've got to make amends or something.

Okay. But Bono wasn't at this interview between you and Serge.---No.

And again, you see a Q at page 89, on the left-hand side in the middle there. Can you see where the mouse cursor is?---Yeah, yeah.

And the question is, "What is your purpose on that property?" And your answer is, "I've been involved on Reuben's land since the '70s, 1974, but he's letting one built glasshouse on that property."---That's right. That is what I thought that we were levelling the dirt for, the property for.

That doesn't make much sense, though, does it, Mr Cannuli?---Yes, it does.

Well, if Reuben thought it was a myth that you were levelling dirt - - -?  
---Yes.

10

- - - for glasshouses - - -?---Well, that's what I said to you just now. Because in my mind I thought that I was going to level it off and we were going to build some glasshouses. But now today I just found out that in Reuben's mind it was a myth that I was going to build the glasshouses.

And he had arranged for Nosir to bring all of this dirt in, and Reuben had no idea why you were bringing it in, is that correct?---Well, Reuben knew why he was bringing it in, to level out his joint.

20 But not for the purposes of building greenhouses?---Well, maybe Reuben's idea and my idea were two completely different ideas.

And you accept that it's Reuben's place?---Yes.

So his idea should prevail?---Of course. Of course. Because after, if we would have levelled it off and I said, "Reuben, can we build a glasshouse?" and then he said no, well, I'm not going to say, well, you know, you've got to do it. I can't tell him that. He's too old to fight.

30 So you didn't check with Reuben before that he absolutely wanted to build greenhouses on the land that you levelled off with the fill, did you?  
---Reuben's place was all full of burrows and up and down, and I said, "Reuben, why don't you fix this joint up?" And that's how, that's how it all got started.

Do you recall meeting with Serge twice on the one day? So what I want to explore with you, you had a meeting with him on 8 April, which I just took you to in the notebook.---Yeah.

40 And then do you recall a meeting later that day at the Blackrose Café in Liverpool?---I know that I met him at the Blackrose, but I can't recall if it was on the same day.

Okay.---Actually, no, because the day that I stormed out, I would not have seen Serge that day.

No, the day you stormed out was 23 March, 2015.---Yeah.

And then you've come back in for an interview a week, two weeks later on 8 April, 2015.---Possibility, yes.

And do you recall, when you met with Serge at the Blackrose Café, was that before the court case or after?---That would have been before the court case.

And can you recall who was present at the Blackrose Café in addition to yourself and Serge?---Well, I'm not sure if Reuben was there or not.

10 Okay. Was - - -?---Or maybe Nosir was there. I don't know.

Was Frank there?---Frank was there at some of the meetings, yes.

Was Frank there at the Blackrose Café?---Are we talking about before we went to court?

Yes, before you went to court.---Yes.

At the Blackrose Café.---Yeah.

20

There was a meeting. You accept there was a meeting at the Blackrose Café before court?---Yes. Yes. Because that's the time that Frank and Serge said that if we go in there and plead guilty, we'll probably get a thousand-dollar fine, cop it on the chin, or maybe nothing, and problem's all over.

All right. Well - - -?---Well, the problems weren't over because they become bigger.

30

Reuben says that that conversation happened at Carnes Hill. Is that a possibility?---At Carnes Hill was the second time because we were supposed to meet back at the café next to the, the Council and I'm not sure if it was Serge or Bono that rang me that they were doing some job around Carnes Hill, can we go there? And I had already told Reuben to come to Liverpool and then when I got the phone call from Serge, I suppose. I'm not, I can't remember if it was Serge or Bono and I got Reuben to follow me to Carnes Hill because he didn't know how to get there. But at that stage there was me, Reuben, Nosir, Bono and Serge. Because that's the time that they hit us with these papers to go to court.

40

Okay. And so they didn't say – did they say anything at Carnes Hill when they hit with you with the papers to go to court, did they say anything on that occasion about pleading guilty and needing a solicitor?---No. He didn't say we needed a solicitor. He just said if we go there and plead guilty the judge will probably hit us with \$1,000 fine or maybe no fine at all and that was the guts of it. But - - -

But what I - - -?--- - - - that day, hang on a sec. He hit us with the papers at Carnes Hill.

Yes?---But we did have a meeting there. Whether Reuben was there or not, I'm not sure but we did have a meeting at Liverpool with Serge and Bono and that's when they said that they're going to take this to court. And then at Carnes Hill is when they served us with the papers.

Where did they say the statements in relation to pleading guilty - - -?---Yes.

10 - - - when was that statement made?---Well that would've been made on both occasions.

On both occasions?---Yes.

I'm going to take you to the first occasion at the Black Rose Café and give you a version of events that Frank and Serge say happened at the Black Rose Cafe?---All right.

Okay. Do you understand what I'm going to do?---Yeah.

20 Can the witness be shown volume 14, page 75. And this is the statement of Frank Bono?---Yeah.

And you'll see at paragraph 76, the Black Rose Café at Liverpool is mentioned?---Yes.

And then down at 77, Frank says "During this meeting I said to them", and to them he means yourself, Nosir and Reuben?---Yes.

30 Frank says he said "If Craig Izzard has been helping youse out in some way we need to know". Do you recall Frank saying that at the meeting at the Black Rose Café?---I can't remember that. But he could've said it. Well if it's on here obviously he did say it.

Well that's what he says he said?---Yes.

But you don't have to accept it and that's why I'm asking you whether or not you can recall him saying it?---No.

40 You can't recall him saying that?---Yeah.

Can you recall this is at paragraph 78. It says "During the meeting they", that's a reference to you, Nosir and Reuben "continued to speak cryptically about the activates at 405 Willowdene Avenue and their interactions with Craig Izzard. At one stage Andy Cannuli said words to the effect "Everyone has to eat". Did you ever say those words?---Everyone has to eat, of course.

You said that?---Yeah.

What did you - - -?---You've got to work – if you want to eat you've got to work.

And so what you meant by that was that you were working at Reuben's place and getting paid for it?---No.

What did you mean by it?---Well, I said everyone has to eat so that means you've got to go out there to work if you want to eat.

10

And so would you go out there to work?---Reuben's place?

Yes.---I never worked at Reuben's place.

Why would you make a comment everyone has to eat in relation to Reuben's place?---Well, I'm sure that Nosir was getting money out of it. I'm sure of it.

20

And how was Nosir getting money out of it?---Well, because he, he would have got paid by the people that he was taking the stuff away from, the, the, the dirt away from.

Do you know if Craig Izzard was making money out of it?---I can't answer that question. I don't know.

Well, when you said everyone has to eat, did you - - -?---Well - - -

30

Was that meant to capture Craig Izzard?---It could have been. Whether, whether, whether Craig got any money or not out of it I don't know. I certainly didn't give him any money.

Was it a – well, did you – did Nosir ever tell you that he was giving money to Craig in relation to - - -?---No.

- - - Reuben's place?---No. Nosir would have kept that – if he was doing something like that Nosir would have kept it hush-hush for sure.

40

When you say kept it hush-hush - - -?---Oh, well, you know, like he wouldn't go around - - -

He wouldn't have told you about it or - - -?---He wouldn't go around spreading something like that if that did happen.

Did you suspect that might be happening?---I can't answer that question because I don't know but in my mind, I don't know.

So it was a possibility in your mind?---Could be, yes.

It didn't strike you as absolutely outrageous that Craig might have been making money out of it?---How would I know – was he making money out of, out of Willowdene, is that what you're asking me?

I'm asking you whether or not you suspected that Craig was making money out of 405 Willowdene?---I can't answer that question. If he did, good luck to him. I don't know.

10 Why would you wish somebody good luck for making money out of 405 Willowdene?---Well, I'm sure that Nosir was making money out of it. I certainly wasn't making money out of it. Reuben was getting – the benefit for Reuben and I in my mind was that we got the place levelled out without, without costing us a zac.

All right.---That was my whole intentions to build glasshouses on this joint.

20 And what was Nosir's benefit?---Nosir's benefit would have been that instead of paying the tip fees where, where – how much you paid I don't know. He was getting it dumped there for nothing.

What was - - -?---But - - -

What was Craig's benefit?---But at the same time we made sure that like Nosir didn't leave mountains of dirt there that then we would have to go and pay to get it spread out. The deal was that Nosir dumped and spread it and try and make it as level as we can. That was the deal that we had with Nosir.

30 And who is we?---Reuben and I.

Okay. So what was Craig getting out of the deal?---I don't know.

Do you know why Craig would offer to assist in filling out a development application?---Well, I don't know but if someone come into the market and said to me do you know where I can buy some good green tomatoes and I knew I would go and show them. That doesn't mean that I was making money out of it.

40 So did Nosir talk to Craig very often do you know?---I don't know.

But would it surprise you if Craig was making money out of 405 Willowdene?---How would, how would it surprise me?

Well, that's what I'm asking.---If he did, good luck to him.

Well - - -?---You know.

Do you understand that there's a problem because do you understand that Craig Izzard is part of the dumping police or was at the time, do you understand that?---I know that, that, Craig was high up in the, in the – because I think he told me he was a regional – worked for all the councils or something.

Okay. And do you understand that what's being alleged in this inquiry is that - - -?---Yes, I know what's being alleged.

10 So what do you understand is being alleged?---Well, it's being alleged that Craig has been taking bribes.

And would it surprise you if Craig was taking bribes in relation to 405 Willowdene?---There was nothing for him to take a bribe off there, because there was nothing that we were doing which was illegal. We wasn't dumping asbestos like they reckon that we were dumping. It was all clean dirt.

20 Do you recall being in court in Liverpool when an analysis certificate was handed up which said that 405 was full of asbestos?---Yes, I was in court then.

So you accept that 405 Willowdene was contaminated with asbestos?---My understanding of asbestos is that, and you read about it and you hear about it in the news, that these Lebs are getting truckloads of asbestos and dumping them on footpaths and properties and back alleys. We were definitely not doing that. When I was there, and I wasn't there that often, what was coming in was clean fill.

30 Did you ever see any - - -?---As far as I was concerned.

All right. I understand there's a difference between sheets and sheets of asbestos and then little pieces of asbestos.---Yes.

And what I'm asking you is, was any of that fill that was coming in, did that contain little pieces of asbestos?---I didn't see it.

40 But you accept that it must have?---Well, obviously it did because they're saying that it did.

And were you worried for your health having been exposed to that asbestos now?---From what you read about it, of course you must be worried about it.

Well, did you convey that to Nosir, that he's exposed you to serious harm with your health by bringing you that material?---I said to Nosir, I said, "Nosir, I thought we were having clean shit in here." And he said, "It is all clean." You know?

And it wasn't, though?---And it wasn't.

So did you ever tell Nosir that you were upset with him for bringing in this harmful material and exposing you to it?---I've been upset with Nosir for – anyway, that's all right.

You've been upset with Nosir? Sorry, continue.---For a while because of what he's done to Reuben and myself.

10

And what's he done?---Well, we went to court and it cost Reuben \$50,000. It cost me \$5,000. You know, like, I'm on a pension. I really can't afford \$5,000.

And do you think Reuben knew that Nosir was bringing asbestos in?---I'm sure he didn't.

And did you know?---No.

20 And do you think that - - -?---But, but - - -

- - - Reuben - - -?--- - - - in saying that, they haven't found a truckload of asbestos there. You know, they might have found pieces of but that would have been because if they demolished the place and then Nosir has dugged out to either do a garage or a car park, yes, part of that demolition could have fallen on the ground and, yes, that could have ended up on the farm.

But you don't think – do you see that as being a problem?---Of course it's a problem.

30

And do you think it's fair that Reuben, not knowing that all of these loads with asbestos were coming onto his property, has been slugged with a \$50,000 fine?---Of course it's not fair. My \$5,000, to me, is worth more because Reuben might be able to afford \$50,000. I can't afford \$5,000.

Has Nosir ever offered to pay your fine or Reuben's fine?---No, he hasn't. And that's what I'm dirty on too.

Do you think he should offer to pay?---Of course he should have.

40

Do you think he should offer to take the material back out and remediate the place?---Well, that's between him and Reuben.

Have you had a falling out with Nosir?---I haven't had a falling out but I'm not happy with Nosir.

Do you still talk to Nosir?---Yes, I do.

What about?---We just talk about anything. You know, I might, I – the last time I spoke to him, I don't know. A month ago or something. But I'm – Nosir should have paid my fine and that's it. Now I'm paying it off at \$30 a week through my bloody pension.

What did Nosir say – or did you ask Nosir to pay your fine?---Yes.

What did he say?---Yeah, I fix it for you, my friend. I fix it. I'm still waiting for him to fix it.

10

Did you ask him to pay Reuben's fine?---No, but I'm sure he would've said the same thing to Reuben, don't worry, I fix.

Commissioner, might I have the matter stood down for five minutes just to take some instructions.

ASSISTANT COMMISSIONER: Certainly. We'll just take a five minute break.

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**SHORT ADJOURNMENT**

**[2.57pm]**

ASSISTANT COMMISSIONER: Yes, Mr Mack.

30

MR MACK: Commissioner, I'm grateful for the short adjournment. I've reached the point in my line of inquiry where I think it's only fair to Mr Cannuli that he be given the opportunity to get legal advice and be represented. So the best course of action is - my submission is to adjourn for the day and if Mr Cannuli can make himself available tomorrow when we recommence at 2.00. And I'm instructed that legal representation can be arranged in the intervening time period for Mr Cannuli. And it's just out of fairness to Mr Cannuli.

40

ASSISTANT COMMISSIONER: Okay. Well if that can be done. So it seems Mr Cannuli, that situations develop where it may be desirable for you to have legal representation. We won't be sitting tomorrow morning but we'll be sitting at 2 o'clock tomorrow afternoon. So if you could come back then and arrangements can be made for the lawyer to - - -?---All right.

- - - be here to help you when that happens?---Okay. Should I come in before 2 o'clock to, to see the lawyer or, or - - -

MR MACK: I'm not sure exactly but we'll arrange for somebody to speak to Mr Cannuli this afternoon.

ASSISTANT COMMISSIONER: This afternoon?---Oh, right.

MR MACK: And you can make arrangements with the lawyer once you've made contact with the lawyer.

ASSISTANT COMMISSIONER: Yeah. You can sort that out this afternoon?---Okay.

Okay?---No worries.

10 MR MACK: Just one final piece of housekeeping, Commissioner. Mr Cannuli gave some addresses in his evidence earlier today. I ask that those addresses be suppressed?

ASSISTANT COMMISSIONER: Yes. Those addresses should be suppressed.

**ADDRESSES GIVEN IN MR CANNULI'S EVIDENCE ARE ORDERED TO BE SUPPRESSED.**

20

ASSISTANT COMMISSIONER: And so far as cross examination is concerned, it seems to me that it would be fairer if the cross examination was all left until after Mr Cannuli's given all his evidence. So we'll adjourn and resume again tomorrow at 2.00.

**THE WITNESS STOOD DOWN [3.16pm]**

30 **AT 3.16PM THE MATTER WAS ADJOURNED ACCORDINGLY [3.16PM]**