

SCANIAPUB00452
30/08/2016

SCANIA
pp 00452-00499

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

Reference: Operation E15/0978

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 30 AUGUST, 2016

AT 2.05PM

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

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

ASSISTANT COMMISSIONER: Yes.

MR TAYLOR: Commissioner, Taylor is my name, solicitor. I seek your authorisation to appear on behalf of the witness Angelo Cannuli.

ASSISTANT COMMISSIONER: I authorise you to appear then, Mr Taylor. Thank you.

MR TAYLOR: Thank you.

10

<ANGELO CANNULI, on former oath

[2.06pm]

ASSISTANT COMMISSIONER: Mr Cannuli, you're still under the same oath that you took yesterday to tell the truth.---Yes.

Yes, Mr Mack.

20 MR MACK: Mr Cannuli, I want to explore with you two more areas. The first area is your relationship with Craig and the second is your relationship with Nosir. I just want to revisit some evidence you gave yesterday and can you recall telling the Commission yesterday that you met Mr Izzard 10, maybe 15 times?---Yeah.

You recall, and can you recall that you might have met Craig at Reuben's place twice, maybe three times?---Possibly, yeah.

30 On the other occasions when you met Craig, can you recall a discussion about Reuben's place?---With Craig?

Yes, with Craig.---I can't remember.

Can you recall talking to Craig about other business dealings that you two had together?---We - - -

Sorry, I should clarify. Can you recall talking to Craig about business dealings that you had together that were outside of - - -?---Yeah.

40 Can you tell the Commission about those dealings.---The dealings were that, that Craig had a, a system where, where we were putting into cool rooms to save power and because I was involved in the market we, we were doing some of them. We done some in the market. We tried to get a firm called Perfection onto them and we done some at the Marconi Club. We, we, done them at the Marconi Club.

And these are in relation to – is it fair to call these units refrigeration units? ---Yes.

And would you buy a unit from Mr Izzard?---Well, I – if we bought one I think it was about 1,500 and if, if the guys needed more than one the price would be cheaper so - - -

And did you get commission for selling these from Craig?---Yes.

10 And how much money did you get from Craig?---We, we didn't do that many. We done one in the market which we done which top of my head I think that he gave me a couple of hundred and then we done some at the Marconi Club. I think we put eight in there or nine in there and 500 bucks I think he gave me for that.

500 bucks in total or per unit?---Total.

So can you tell the Commission how much money in total, approximately, you received from Craig in relation to the business dealing with the refrigeration units?---Six, seven hundred, eight hundred bucks.

20 Okay. But not more than \$1,000?---No.

And would you meet up with Craig to discuss that business face-to-face? ---We met at the market itself when we done the job at the market. I'd probably meet with him or his offsiders, an Asian guy, that we went to (not transcribable). I went with Craig to the Marconi Club because I knew most of the people there. And that was it, basically.

30 And did you ever talk to Craig over the phone in relation to the refrigeration?---I could have, yes.

So you had Craig's phone number?---Yes.

I want to take you back to some other evidence you gave yesterday. And you'll recall that I was asking you questions about a meeting that took place at Reuben's place on 10 March, when Frank and Serge showed up. Do you recall me asking you questions in relation to that?---Yes.

40 And you'll recall that there's an interview between Frank and Serge and Reuben.---Yes.

But you weren't there participating in the interview.---I was at the farm but I wasn't in the room with Serge.

And I asked you a question, "Can you recall phoning Craig?" and you answered no. Can you recall giving that evidence?---Yes.

And then I asked you, "Did you call Craig and let Craig know that Frank and Serge were investigating Reuben?" and you said no. Do you recall that?---Yeah.

And I asked, "Did you call Nosir?" and you said, "I might have but I can't recall it."---Yeah.

10 Okay. Can the witness be shown Exhibit S10? This is a notebook entry that Serge wrote at the time of that meeting and I want to draw your attention to the date at the top, which is 10 March, 2015.---Yes.

And also the time, which is 12.50pm.---Yes.

And I'll ask you again, Mr Cannuli, did you call Craig Izzard around the time of that meeting?---I, I, I can't answer that question because I can't remember.

20 So it's a possibility that you called Craig?---Could have been but I can't say, yes, I did.

Well - - -?---Or call Nosir. I say that I might have called Nosir to tell him that we had a meeting there, but I cannot remember.

Well, yesterday I said, "Are you sure about that?" and you answered, this is in relation to calling Craig, and you said, "I'm sure about that." And then you asked me, "What would Craig have to do with Serge interviewing Reuben?" Do you recall saying that to me yesterday?---Yeah.

30 And then I said, "I don't know why. That's why I'm asking."---Yeah.

So I'll ask you again, why would you call Craig when Serge and Frank were interviewing Reuben, if you did, if it's a possibility?---Yeah.

Why would have you done so?---I can't answer that question.

40 Can you, can you recall – all right. Can the witness be shown the following page of that exhibit that's on the screen and the following page. This is still the notes of the interview, and just flick through to the final page and you will see the final page there, the one with the 63 at the top.---Yeah.

There's another time stamp.---Yeah.

And it says 10 March, 1.49pm.---Yes.

So there's about an hour between when the interview started with Frank, Serge and Reuben - - -.---Yeah.

- - - to when it ends. Do you recall calling Craig after that interview finished?---I don't know. I might have called Craig. I might have called Nosir. I, I cannot, I cannot remember it.

Can you recall if Craig called you around that time period, that is between 12.50pm and 1.49pm?---Cannot remember, no.

Can you recall if Craig called you shortly afterwards?---I cannot remember.

10 I'll ask the witness be shown this document. Mr Cannuli – sorry. There are some more copies of this being printed off as I speak but - - -.---All right.

- - - what it is, it's – I'm instructed it's a table of call charge records.---Yes.

And it records the phone calls between – the incoming and outgoing calls from your phone.---Yeah.

20 And do you accept that your number on the A column there 0-4 – do you accept that [REDACTED] is your phone number?---Yes.

Okay. Well, you'll see that the top row that there's an outgoing call from your phone to a phone number 0-4-3-4-6-0-8-7-3-1.---Yeah.

Which is Craig Izzards' number.---Right.

And you will see that the start time of the phone call is 12.48pm.---Yes.

30 And the duration of the call is 16 seconds.---Well, I must have called Craig then.

Well, why?---I don't know.

What's Craig got to do with an interview between Serge, Frank and Reuben?---Did, did I tell him that, that Reuben was being interviewed by Bono?

Well, did you?---I don't know.

40 Well, why else would you call him?---Maybe that we had somebody to go and see in the market to, to sell one of those cool room (not transcribable)

That's a lie, isn't it?---No, it's not.

You called Craig at 12.48 - - -.---Yeah.

- - - to tell him that Serge and Frank were interviewing Reuben, didn't you?

---If I did I can't recall that and, and then even if I told Craig that, that Serge and Reuben were being – that Reuben was being interviewed with Craig, is that, is that a big deal?

Well, I'll come to that in a second. I want you to have a look at the second row and there's a call between you to a phone that's in the name of ATM Excavation and Demolition Tipper Hire. Do you see that?---Yes.

10 Do you know who ATM Excavation and Demolition Tipper Hire are?---(No Audible Reply)

Do you recognise that - - -?---I'm, I'm sure that's Nosir.

Okay. So does that refresh your memory about having a phone call with Nosir around the time of the interview with Serge and Reuben?---Yeah.

20 And why did you call Nosir?---Well, Nosir had his machinery there. We – Nosir was dumping dirt there and, and the, the council guys are there. We've had problems with them so, so I probably rang up to tell him that, that Bono was there with Serge.

And see how there's less than a minute between the time that you called Craig Izzard, or tried to call Craig, and the time that you called Nosir? You see that? One's at 12.48.13 and one's at 12.49.55. So that's just under two minutes.---Yeah.

30 Is it your evidence to the Commission that you probably called Craig at 12.48.13 to talk about selling a refrigeration unit and then called Nosir less than two minutes later to discuss the council offices?---Yeah, but Craig was always involved in that dumping thing. So - - -

Well, how was he involved, Mr Cannuli?---Well, Craig was involved because he was telling us what to do, what not to do. Helping us with the DA.

When you say he was telling you what to do and what not to do, what do you mean by that?---He was helping Reuben fill in a DA form.

40 And when you say "us", he was helping us, telling us what to do and what not to do - - -?---Reuben, myself and Reuben's daughter.

You weren't privy to those conversations, were you?---Not really but I did know that it was happening.

All right. So is your evidence that that's what you rang up Craig to talk about? The DA?---If I rang up Craig, I probably would have rang him up to tell him that Serge and Bono was there. If I rang up Nosir, I would have rang him to tell him that Serge and Nosir, that Serge and Bono was there.

Well, why did Craig need to know that Serge and Frank were there?---I don't know. But - - -

You don't know, Mr Cannuli, and you're not telling the Commission. I want you to tell the Commission why Craig needed to know that Frank and Serge were at Reuben's place.---How do I know why he needed to know? I just thought that it would have been the right thing to do, to tell him that Frank was there. Because Craig was Frank Bono's boss.

10

All right. Take a look at – if you look at the column, the fourth column, where it says “name”. And you'll see another call from you to Craig at 7.06. Sorry, at 14.04.29.---Yeah.

And you see this call actually lasted for seven minutes and six seconds. See that?---Yes.

We know that the interview finished at 13.50, so this is about 15 minutes after the interview.---Right.

20

There's a record of you speaking to Craig for seven minutes. Can you recall that conversation?---No, I can't. But if it's there, obviously I must have.

All right. And then you see the next entry down, at 2.31, 14.31.11, and you spoke to Craig Izzard for another two minutes and seventeen seconds.---All right.

30

So between 12.48 and 2.31 you tried to communicate with Craig Izzard three times, on three occasions. And those three occasions are during the time when Frank and Serge are on the property. Do you accept that?---Yes, I can see that.

And the best evidence you can give to the Commission is that you were talking to Craig about a DA in relation to Reuben's place. Is that correct? ---Well, I'm talking about that Craig was trying to help us getting the DA for that and that was basically - - -

40

Well, why did you have to call Craig straightaway when Frank and Serge arrived? Why did you have to call them when Frank and Serge were there if you're just talking about a DA?---Well, maybe because I was sitting there by myself. And I would have called Nosir for sure, to tell him that the boys were there. And I can't answer that question. The best I can tell you is that maybe I thought that Craig should know that the boys were there.

Why would Craig need to know that Frank and Serge are there? What did you expect Craig to do about it?---He couldn't do anything about it.

Well, why call him?---I, I can't answer that question.

Mr Cannuli?---Yeah?

You knew that Craig Izzard was turning a blind eye to the illegal dumping at Reuben's place, didn't you?---No. Craig wasn't - - -

And you called Craig - - -?---Yeah.

10 - - - when Frank and Serge arrived because you wanted to let Craig know that somebody might be onto him. That's correct, isn't it?---No.

That somebody might uncover that he had been turning a blind eye to the illegal dumping at Reuben's place. That's correct, isn't it?---No.

And it's fanciful to suggest that you spoke to Craig for longer than seven minutes in relation to a development application?---Well, I don't know what we were talking about, but maybe we were talking about Frank and Serge being there. We could have been talking about the - - -

20 Well, you've said that already. But I don't know why you'd be talking about Frank and Serge being there.---We could have been talking about the - - -

Can you tell the Commission, please?---We could have been talking about the cool room things. I don't know what we were talking about. Craig's an easy guy to talk to.

Sorry, what was that?---Craig's an easy guy to talk to.

30 All right. I want to move on now to explore with you your relationship with Nosir.---Yes.

Yesterday we were discussing whether or not you had a falling out with Nosir. Do you recall that?---I haven't had a falling out with him but I'm not very happy with him, that's all.

Okay. And so are you in contact with him very often as of now?---I might speak to him every couple of weeks, every month. I don't know.

40 And what do you speak about?---What are you doing? What's happening? You don't care about me no more. Basically things like that, that's all.

Can you recall having a conversation with Nosir about locating a new illegal dump site?---Nosir was always looking for places to dump but I couldn't find any for him.

Well, do you accept that you would find illegal dump sites for Nosir?
---Well, I didn't think that it was illegal if he was dumping clean dirt.

All right. Well, after you went to court on 5 June, 2015, did you appreciate that it was illegal - - -?---Yes.

- - - even if it was clean dirt? Do you appreciate that?---Yes. Yes, I do now.

10 So after the court on 5 June, 2015, you had an appreciation that you couldn't just locate sites for Nosir to dump in, is that correct?---No, no. I worked out, after we got busted like that, that there was no future in this dirt business. So it stopped. We didn't dump anywhere anymore after that.

So you never would have had a conversation with Nosir?---I might have had a conversation with him because he may have asked me, "Do you know anybody else with farms?" and I would say, "Yeah, I'll try to find them for you," but never found anything.

Well, why would you try to find Nosir - - -?---And I never even looked.

20 Well, you - - - .---Just to make Nosir happy.

Did you try or not?---No.

Did you try and find - - -?---No. No.

I'm going to play you a series of phone calls - - - .---Yeah.

- - - between yourself and Nosir - - - .---That's all right.

30 - - - around February this year but before I do I'll you one last opportunity to tell the Commission if you've been involved in trying to find illegal tip sites for Nosir. Have you tried to find illegal tip sites for Nosir?---I might have told Nosir, yes, I'm looking for you, I'll try, but as soon as the phone hunged up I, I was doing what I was doing. Definitely didn't find after, after we went to court any sites for Nosir. If I told him that I was looking for him only basically to get him off my back.

All right. I'm going to play you a phone call. This is phone call 1-4-7-9-0, 10 February, 2016. This is a phone call between Nosir and yourself.

40

AUDIO RECORDING PLAYED

[2.31pm]

MR MACK: Do you recall having that conversation with Nosir?---Yes.

All right. Well, the transcript is in front of you.---Yeah.

If I ask it scrolled up to page 1. You say, "Ah, well, there's 20 acres we can do." Do you see that?---Yes.

That's a reference to a site you found for Nosir to dump – a 20 acre site you found so Nosir can dump on it. That's correct isn't it?---No.

Well, what's it a reference to?---No. There was 20 acres of a guy in Ingleburn – no.

10 This is 10 February, 2016, just over six months ago.---That must have been someone that, that, that had a place that he wanted some soil but I'm just trying to think of the guy who, who it was and I can't think who, who, who the guy is now.

All right. Well, do you accept that you were trying to find a site for Nosir to tip at?---To try and, and fill in holes, yes.

20 And you knew that that wasn't permitted didn't you?---It wasn't permitted to, to, to dump any rubbish but clean dirt can be, can be tipped can't it?

You, you just told the Commission that after you went to court on 5 June, 2015 that you knew that even clean dirt couldn't be dumped.---Yes.

So you and Nosir are in partnership aren't you, you go out and find a site and Nosir comes along and tips. That's correct, isn't it?---No. No.

30 Well, what do you mean by there's 20 acres we can do?---I'm just trying to think of where that 20 acres was and for the life of me I can't even recall that now.

All right. Well, don't try and remember. If you can't remember where it was, can you help the Commission with the part of the statement that says we can do, 20 acres we can do.---Well - - -

You can do what?---Obviously we had to level it off and throw some dirt on there but I can't even remember where that place was. And obviously we didn't do it.

40 All right. I'm going to play you another phone call. This is two minutes later on the same day. This is phone call 14791.

AUDIO RECORDING PLAYED

[2.36pm]

MR MACK: It's just going back to the start of the call.

MR MACK: All right. So this is two minutes after the first phone call. And you say, "This spot very good too, for dig a hole for dump rubbish." You see that?---Yeah.

Well, and this spot is a reference to the 20 acres that you referenced in a conversation two minutes ago, isn't it?---Well, obviously I must have said
10 that too. But I'm trying to think of where that place was.

I don't, I'm not - - -.---Yeah.

- - - particularly concerned about where the place is.---Yeah.

What I'm concerned with is the relationship between you and Nosir and the possibility that you're not being truthful with the Commission. So I'll put it to you again.---Yeah.

20 You just told the Commission that the 20-acre site might have been, you might have had to take some dirt out there to level it off. And then the next phone call, the one that's in front of you - - -.---Yeah.

- - - you say, "This spot very good too, for dig a hole, dump rubbish." You see that?---Yeah.

So that involves digging a hole and putting rubbish in it and covering it up. Do you accept that?---Yeah, yeah. But rubbish means bricks and not clean material.

30 All right. So you thought you'd found a site for Nosir to tip bricks and other material in?---Yeah.

And you would cover that up after you finished, is that correct?---Well, you wouldn't tip bricks and building material on the top. You know what I mean?

Why wouldn't you tip it on the top?---Because it would look ugly.

40 And is it also because people might notice that you're dumping material illegally?---If it's building material, well, yes, that would be illegal, yes.

And you accept there's a chance that Nosir might bring building material that includes asbestos?---Well, asbestos, I'm sure that Nosir wouldn't bring a truck load of asbestos.

You're sure that Nosir wouldn't bring a truck load of asbestos?---Would not bring it.

Well, how can you be so sure? Because on 5 June, 2015, you all stood up in court and accepted that Nosir had done precisely that onto your mate Reuben's place. How can you be so sure he wouldn't do it again?---You're right.

You can't be sure, can you?---No.

10 In fact, you knew that Nosir dumped illegal waste when you had this phone call, didn't you?---Building material, yes.

All right.---Asbestos, no.

Well, you accept that it's highly likely that the building waste contained asbestos? He hasn't got very good form, does he, Mr Cannuli?---No.

I'll play you another phone call. This is also from 10 February, 2016 and this is phone call 1-4-8-1-5.

20

AUDIO RECORDING PLAYED

[2.40pm]

MR MACK: Mr Cannuli, does that refresh your memory?---Now, now, now I, now I do remember the site.

Where is it?---At, at, at Bargo.

30 Can you be more specific?---Sorry?

Can you be more specific?---I never went to, to the site itself. The guy said that he, he, he had a ravine there and he wanted to fill it up but we never actually went to have a look at it.

What guy?---One of my mates from, from Liverpool.

What's his name?---Can I have a look in my phone?

40 Yes, certainly.---It's all coming to me now. Joe Carante.

How do you spell his surname?---I'm not sure but it's – I think it's C-a-r-a-n-t-e, Carante. He told me there was a place in Bargo where, where the guy had olive trees and there was a big ravine there and he said, he said if we can – if I can get my mate which would – which is Nosir to, to fill in a hole there for him.

What would you get in return?---I don't know. I'm sure Nosir would've given me something out of it.

All right. So Nosir would have paid you some money. Is that what you're telling the Commission?---If, if, if, if I found him some sites, yes.

Okay. Did Nosir pay you any money in relation to 270 Wallgrove Road – 275 – do you recall yesterday when I first started asking you questions about a site at Park Road?---Yes.

10 275, I'll just get the name of the place. 235 Park Road Wallacia. Do you recall me asking you questions about that and you said that was Kim's place?---Yes.

And you said you'd arranged for Nosir to do a job there?---A dam he, a dam he was supposed to do there.

Did you get money from Nosir for - - -?---No.

20 - - - arranging that?---No. Because when, when Nosir started that that's the time that I ended up in gaol.

Okay. And did Nosir give you money for Reuben's place?
---No.

That's not true, is it?---No. Yeah, give me money. He might have bought me smokes. He might have put petrol in my car. He might have give me a hundred bucks. But, no.

He might have given you a hundred bucks?---Bucks, but - - -

30 So all you got out of all of the events that took place at Reuben's place was a hundred bucks and a pack of smokes?---I'm saying he was there for about two, three months. Okay? Or however long he was there. The money that he gave me would not have paid for the fine that I had paying off.

Well, how much did you ask for in relation to this place near Bargo?---I didn't ask him. I just said to him, "Go and have a look at it. If you think it's all right." But then he started whinging that it was too far. So nothing was done there.

40 So you didn't get any money from him?---No.

But you accept, though, that you would go out and find places for Nosir to tip and then you might receive something in return?---If Nosir gave me something for the work I done, great. If he didn't, well, he didn't.

You told the Commission yesterday how angry you were with Nosir for what he did to Reuben.---Yes. And what he done to me.

And what he done to you. And here you are going out, doing favours, looking for new tip sites. How do you explain that?---Nosir would ring up to try and find something. When this Carante guy said to me that he had this site in Bargo, and he would have asked me if I still had connections with the guy with the dozer, I said yeah and I might have said to him, "Look, there's the 20 acres there if you want to do something with it."

And you knew it was at least a possibility that Nosir would be bringing asbestos onto that property, didn't you?---No, I didn't know that.

10

I want you to think very carefully about the answer you give to this question. The reason why you and Nosir were able to dump at Reuben's place without getting caught for a long time was because Craig Izzard turned a blind eye to it. Is that correct?---No.

And you knew that Craig Izzard wouldn't penalise you for bringing that material onto Reuben's place. That's right, isn't it?---You've got it all wrong.

20

Well, what happened, then?---Well, I don't know what happened. But you can't blame Craig Izzard that we dumped, or Nosir dumped stuff at Reuben's place.

Well, who do I blame?---You've got to blame Nosir and me. Because I was the one to put Nosir onto Reuben, and Nosir done the dumping. Wasn't Craig Izzard that told him to go there and dump.

30

But it was Craig Izzard who was receiving money from Nosir to not do anything about it. That's correct, isn't it?---Well, I don't know about that.

All right. Just doesn't make sense, though, does it, Mr Cannuli? As soon as Frank and Serge arrive out at Reuben's place, you immediately get on the phone to Craig. You didn't ring Nosir first. You rang Craig first, didn't you?---Well, I would have rang up Craig. And going by this I must have, well, I did ring Craig and I rang Nosir.

Well, why did you ring Craig first?---I don't know.

40

I mean, if Craig's got nothing to do with it and it's all your fault and Nosir's fault, why would you ring Craig first?---I don't know.

Commissioner, I ask that that document that the witness has be marked for identification.

ASSISTANT COMMISSIONER: MFI 3.

#MFI 3 - CALL CHARGE RECORDS OF 10 MARCH 2015

MR MACK: And the telephone calls that I played and the transcripts I ask that they be tendered.

ASSISTANT COMMISSIONER: As Exhibit 21.

#EXHIBIT S21 – TRANSCRIPT SESSIONS 14790, 14791 AND 14815

10

MR MACK: They're all the questions I have for Mr Cannuli.

ASSISTANT COMMISSIONER: Now, apart from Mr Patterson – Mr Taylor is there anything you wanted to - - -

MR TAYLOR: Not at this stage thank you, Commissioner.

ASSISTANT COMMISSIONER: Apart from Mr Patterson, is anybody else
20 interested in asking any questions? Then, Mr Patterson, it's you.

MR PATTERSON: Could I just have a moment, Commissioner?

ASSISTANT COMMISSIONER: Yes, certainly.

MR PATTERSON: Mr Cannuli, my name is Patterson. I represent
Mr Izzard. You gave evidence earlier in response to questions put to you by
Counsel Assisting that you may have met Mr Izzard at Willowdene Avenue
more than once. Do you recall that?---Yes.
30

And your evidence was you think it could have been two or three times.
---Correct.

I want to put to you that you're mistaken about that and I want to put that
you have only met Mr Izzard at 405 Willowdene Avenue on one occasion.
What do you say about that?---That's a possibility.

Do you have any knowledge of what assistance, if any, Mr Izzard was
providing to Mr Matthews?---Craig was helping Reuben's daughter to try
40 filling in a DA form for, for Reuben's place.

And to the best of your knowledge that was the total extent of Mr Izzard's
involvement with that property?---Yes.

Did Mr Izzard ever solicit a bribe from you?---No.

You gave evidence that Mr Izzard paid you a commission or commissions
in total less than \$1,000 - - -.---Yes.

- - - in relation to a cool room business.---Yes.

I want to put to you that Mr Izzard never paid you any commission. Would that be correct?---No.

Are you sure about that?---I'm sure about that.

10 Now, you were taken to a conversation in which you are alleged to have said words to the effect everybody's got to eat. Do you recall that?---Yes.

You have no evidence that Mr Izzard was on the take do you?---No, I haven't.

You have no knowledge that he ever accepted any bribe do you?---No.

And you have no knowledge that he ever solicited or asked for any bribe do you?---He never asked me for any bribes, no.

20 Thank you. I have no further questions, Commissioner.

ASSISTANT COMMISSIONER:. Yes. Thank you. Is there anything, Mr Taylor arising in that?

MR TAYLOR:. No, thank you, Commissioner.

ASSISTANT COMMISSIONER: Anything in re-examination?

30 MR MACK: One moment. I just want to hand one final document. All right, maybe I don't need to show the document to Mr Cannuli but, Mr Cannuli, before you gave evidence of meeting Mr Izzard five to 10 times, possibly two or three times out at Reuben's place, you've also seen evidence of you being in contact with Craig on 10 March on more than one occasion. What I'm asking – what I'm about to ask you to accept is that you contacted Craig on over 200 occasions on the phone from January, 2014 to March, 2016. Do you accept that's a possibility?---200 times?

40 Over 200 times between January 2014 and March 2016.---That could be a possibility. But I don't think so that many times, but - - -

All right.---If you say that - - -

Well, I'm just asking you firstly.---It could be a possibility.

It's a possibility?---Because we tried very hard with this, with these cool room things, to get them going. And the end result of those cool room things were that they were just a bit too expensive.

So just to clarify, what I'm putting to you is maybe you didn't contact Mr Izzard over 200 times, but there was an exchange, either Craig calling you or you calling Craig, and that exchange occurred over 200 times. Do you accept that's a possibility?---Possibility, yes.

And you just say, if that did occur, that was all in relation to the refrigeration business?---Yes, I'd say it would be.

10 MR PATTERSON: Commissioner, could I seek clarification of one point?

ASSISTANT COMMISSIONER: Yes.

MR PATTERSON: I understood that the period of time that is the subject of this inquiry is January '15 to March '16. Counsel Assisting has just put that there was contact between Mr Izzard and Mr Cannuli 200 times between January 2014 and March 2016. If that is the question, I wonder at its relevance.

20 ASSISTANT COMMISSIONER: That was the question, I think.

MR MACK: That was the question.

ASSISTANT COMMISSIONER: Yes.

MR MACK: And it has been answered. And this inquiry's got a broad ambit.

ASSISTANT COMMISSIONER: Yes. Yes, I'll allow it.

30

MR MACK: Thank you, Commissioner. They're the questions I have.

ASSISTANT COMMISSIONER: Did anyone want to ask any questions arising out of that last thing? No. Then, thank you, Mr Cannuli. You can step down. You're excused.---Thank you.

THE WITNESS EXCUSED

[2.57pm]

40

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Commissioner, I call Faid Fram.

MR TAYLOR: Might I be excused, Commissioner?

ASSISTANT COMMISSIONER: Yes, certainly. Will you take an oath or an affirmation?

MR FRAM: Oath.

ASSISTANT COMMISSIONER: Oath. Yes. On the Bible?

MR FRAM: The Bible, yeah.

ASSISTANT COMMISSIONER: Yes.

ASSISTANT COMMISSIONER: Just take a seat there. In the course of giving your evidence here, it may be that you say something that could lead to civil or criminal liability. In order to protect you from that, I can make an order under the Act. Would you like me to do that?---Yes.

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

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 ASSISTANT COMMISSIONER: That, of course, protects you against civil or criminal liability but it would not protect you if you were to tell lies on oath. Yes, Mr Mack.

MR MACK: Mr Fram, am I pronouncing your surname correctly?---F-r-a-m.

Yeah. Fram, is that how you pronounce it?---Fram, yeah, yeah.

40 Mr Fram, I'll ask you first of all, what's your current occupation?---I've got a few trucks. I organise, like, soil transport.

Okay. And do you have - - -?---Well, yeah.

- - - and excavator?---Yeah. I do.

And do you hire the excavator out?---Yes.

And when you hire it out do you drive the excavator yourself or do you hire it out?---No, no, I dry hire.

Dry hire?---Yeah.

And dry hire means that - - -?---Yeah.

- - - you just get the machine and somebody else drives it?---That's right.

10 I'll ask that you be shown a picture of a property in Bandon Road. It will come up on the screen. Can you see the road that's running diagonally across the page that's Bandon Road and to the right you might be able to make out some train tracks and some road?---Yes.

Do you recognise the site depicted in that picture?---Yes.

And have you ever been to that site?---Yeah.

20 When was that?---When I went to check up on my excavator.

All right. And how many times have you been to that site?---Well one, one time a 100 per cent, two times could be but I'm not quite sure you know. I can't remember.

And what was your excavator doing there?---Ah, I just done, give it to the boys to, I believe to, to fill this hole.

And who are the boys?---Ahmed and, and Nosir.

30 Nosir. And you know Nosir's surname?---Kabite.

Okay. And when did you first meet Nosir?---Late, late last year.

And how much did you – or did you hire out your excavator to Nosir and Ahmed?---Stayed with them nearly three months till 5, 15 or 20 January, probably from there.

Okay. And how much did - - -?---This year.

40 And did you charge Nosir per day for renting your excavator?---Per week.

Per week. And how much per week?---2,500.

And did he ever pay you any money?---No. I tipped instead of paying. I tipped some loads there.

Okay. So how much money did Nosir owe you in total for using your excavator?---Ah, we were booking out every week per week, like every

week by week you know. Like because some days there is rain, I will not charge them the \$500 for that machine.

And is that because you can't work the soil when it's raining?---Yeah. They can, they can, they cannot, they're not driving.

Did Nosir ever have any money to pay you in cash?---We, we never came to that stage. Always I used to tip to cover the money in there.

10 All right. So - - -

ASSISTANT COMMISSIONER: Sorry, always I used to?---To tip, to tip soil. To tip soil there to, to cover the money of the excavator.

MR MACK: So if Nosir owed you \$10,000 for your excavator you would get \$10,000 in dumping in return is that correct?---That's right.

20 And how much did you dump there?---I can't remember but I did dump, you know, I did dump. Could be 30, \$40,000, I don't know, an amount of money, you know like I don't know how much. Maybe a 100 truck and dogs, but I don't know.

And did you have other people - - -?---I never, I never count it you know. To be honest with you I never counted it.

All right. Okay. Well did you have any other people working for you dumping there?---Yeah, yeah. I had two drivers, they were driving up there and dumping there.

30 And how much material can you on average get in a truck and dog?--- Today, how much (not transcribable)

Yeah. How many metric tonne?---Tonne?

Tonne?---Tonne. I got 25 tonne, 26 tonne in these trucks. You know it carries 25 tonne, truck and dogs.

Tuck and dogs?---Yeah.

40 So if you got approximately 100 truck and dog loads in 25 tonnes - - -?--- 2,500 tonne.

Yes?---Pretty much 1,000 cubes.

Okay?---Like (not transcribable)

And do you ever tip at a site where there's a weigh bridge and you get charged for tipping material?---Yeah. Sometimes not all the time. Because

sometimes when you're tipping soil, landfill you don't go over the bridge unless it's special waste you know. Like it could be rubbish or it could be brick or concrete you go over weight but soil, soil you have to go over – only (not transcribable). You know, (not transcribable), they have proper weight. They charge you per tonne.

But there's still - at some sites there's a weigh bridge you can over?---Yeah.

10 But if you've got clean fill you go around the side of the weigh bridge?
---No, no, no. If, like, (not transcribable) like (not transcribable) landfill it's, they have a weigh bridge and (not transcribable) they have weigh bridge and (not transcribable) they have a weigh bridge.

All right. Well, how much do they charge per tonne or do they charge by the cube?---It's very hard to keep soil in there. It's only rubbish, you know, or brick or concrete or asbestos.

Well, in the places where you tip soil - - -?---\$6, \$6 a tonne.

20 \$6.---\$7, \$10.

Okay. So if you tipped around about 2,500 tonne at Bandon Road it would have cost you \$6 a tonne to tip that elsewhere. Is that correct?---That's right.

That's around about \$15,000.---Something like that.

30 Okay. But you had no way of telling precisely how much you tipped at Nosir's?---No, I can't remember. Maybe sometimes I paid, I paid him sometimes from my pocket to cover the money, you know, like to – extra, whatever I tip.

Was there anybody at the entrance to Bandon Road when you arrived with a truck and dog?---Oh, yeah, him, himself, you know, or his brother or one of his boys, workers there.

And would they take down your registration?---Yeah, they put down the regos, everything, yeah.

40 Would you get an invoice or would someone reconcile - - -?---No, no, no, just on the phone, you know, you tipped that much, you owe that much and that's it.

I'm not suggesting that you ever tipped asbestos contaminated material but whilst you were there did you ever see anybody else tipping asbestos contaminated material?---No. When I was there, no, wasn't no trucks that day, you know, it was early morning.

If you - - -?---Because I knew there is – it was – kept missing on the, on the (not transcribable). That’s why my purpose to go there.

Okay. If you had a load of material which was dirty which had asbestos in it what would you do with it?---I take it to the tip.

To the - - -?---Tip, yeah.

10 To the tip and pay?---Yeah.

How much would they charge you to - - -?---Oh, \$200 maybe per tonne.

And do you know if Nosir would have let you tip that material at Bandon Road if it had asbestos in it?---Yeah, yeah, he, he would let you tip if you had it but you have to pay extra money for that.

Yeah.---He might charge you a lot.

20 How much would he charge for that?---Oh, big money. I never tip myself that stuff but I don't know, like maybe \$1,000 a bogie load.

A what load?---\$1,000 for a bogie load, like a single truck.

Is that half – just single trucks.---Yeah, like - - -

How much for - - -?--- - - - 12 tonne, you know, maybe.

How much for a truck and dog, do you know, if it’s got - - -?---2,000.

30 Can you recall – do you know Nosir’s brother?---Yeah.

And who is that?---Ahmed.

Ahmed?---Yeah, Ahmed.

All right. Did Ahmed ever ask you to pay the rent at Bandon Road?---Yes. Not myself. To pay the money to the brother because he has to pay the rent.

40 So Ahmed asked you to pay Nosir - - -?---Yes.

- - - because Nosir had to pay the rent?---Yes.

Do you know why Nosir couldn’t pay the rent himself?---Well, maybe it was rain and Christmastime that’s why. It was very slow, like nobody was working.

So he was having - - -?---Like during - - -

Nosir had a cash flow problem and - - -?---Yeah, just a period of time, you know, when I gave him the money. It was between sometimes December – you know, this period for us, between 15 December or, you know, beginning of school holidays till 15 of January is very quiet, you know, very quiet. Like, like myself I didn't work three trucks. I couldn't have done nothing, you know. So this period I did help him with \$9,000 to my memory.

10 Would you be in contact with Nosir very often?---Yeah.

How often?---He called me many times after – at the beginning all my deal was, was Ahmed, you know. I used to talk with Ahmed all the time but once Ahmed went to Lebanon I was dealing with him.

Okay. How often would he call you, can you be more precise?---Could be like definitely end of the day if I tip there or during the week we had a few contacts, you know, like two/three times, four times.

20 Did you - - -?---Sometimes 10 times a day, you know, he calls me.

And did you ever receive too many calls from Nosir?---Yes.

Did you block his number?---Yes.

All right. Can you recall somebody putting Nosir – putting – can you recall somebody putting you on the phone to Nosir because your phone was blocked?---Yeah.

30 Can you tell the Commission about what happened, what happened then?
---He was, he was off his head, you know, like why are you blocking my number, you know. I told him because you put pressure too much. You keep calling too much, you know, like relax, you know.

So did – or who gave you the phone –sorry - - -?---I can't remember, sir. Somebody, yeah, somebody done it. Because he can call me from could be his son or his nephew or one of his cousins, you know. Or once he called Ali and Ali called me.

40 Okay. And when was that?---This one, I don't want to answer him. I never answered him, you know? And Ali told me has a problem, you have to go see him.

I understand. So Ali called - - -?---Called me.

Called you and said, “Nosir has a problem with you. Can you go and see him?”---Yeah.

And did you go and see Nosir?---Yes.

And where was that?---Date? You want date?

No, where, where, where.---This after the police came to his house.

Okay. Where did you go and see Nosir? Was it at his place?---Yeah, his place.

And where does he live?---He lives two streets behind me.

10

Okay. And when Ali called you to say that Nosir has a problem and wants to speak to you, can you recall what Ali said to you on the phone?---He said something like he's been done, you know, they caught him tipping there or he (not transcribable) or something like that. And he said go see, talk to him. I said, no, you're going to be in problem. He's going to fix it.

So Ali told you that Nosir was in trouble with the police?---Yeah.

Or with an authority, is that correct?---Yeah.

20

And do you know why Nosir was in trouble?---Illegal dumping.

Illegal dumping. And did Ali tell you that?---Ali told me that? Maybe.

Did Ali mention to you somebody by the name of Greg?---No, is a story, something between, you know, Nosir owes him some money. You know, Ali. And when Ali knew I dealing with Nosir, because I work with Ali.

Yes.---And when he knew, he told me, "He owes me \$15,000." But what the reason of this \$15,000, I didn't know. I did recover \$3,000 from Nosir to Ali. I gave it to Ali myself.

30

Okay. You mentioned before, and I might have heard this incorrectly, but did you mention before somebody by the name of Greg?---Yeah, Greg. Ali had a problem. I can't remember what the problem. It was something about Greg. But me, I never knew who is Greg or what's Greg. I knew it's one of the officers but I didn't know what's on about, you know?

So Greg was an officer? Illegal dumping officer?---Oh, yeah. That's what I mean. Council. I didn't know what's his position, but. Now I know. He's one of the squad, illegal dumping squad.

40

All right.---Yeah.

So you thought that Greg was a reference to somebody in the illegal dumping squad, is that correct?---Yeah.

And what did Ali say about Greg?---I never knew what the problem.

Yeah.---But it was only between Ali and Nosir. They know the story. I don't know what the story. But I know there is \$15,000 owing.

Between Greg - - -?---And Nosir.

\$15,000 owing between Greg and Nosir?---No, between Ali and Nosir.

Between, sorry, who?---Ali. Ali Abdul-Rahman.

10

Yeah.---And Nosir.

Okay. And where does Greg fit into that relationship?---Some, somehow there is, like, connection. I don't know what's the story. I know Ali he went to the office, he screamed. This later on I find it, but I don't know what the story. Believe me, I don't know what's to do with it.

I'll just ask you again. Did Ali ever tell you that somebody owed money to Greg?---To Greg?

20

To Greg.---No, no. He didn't tell me to Greg. But he told me he paid money to Nosir.

Yes.---To speak to that guy Greg.

I understand.---But what the story was, I never knew. He never told me.

So Ali paid money to Nosir - - -?---Yeah.

30

- - - so he could have access to Greg?---That's right.

But that's all you know about - - -?---Yeah, but when Nosir never paid the money, I know Ali went to Greg and he went off on it, you know, about it. He told me, "Tell your friend to come pay me my money."

That's what Greg said to Ali?---No, no. Ali told Greg that.

Ali told Greg that I paid money to Nosir?---I don't know what the story. But that's from Ali's mouth.

40

Yes.---It was, you know, wasn't in front of me when he spoke with them, nothing. The story is, like, from Nosir and Ali I know it only, you know? Nosir never told me what he done for him and Ali never told me what he done for him. So all of them, they kept secret to themselves.

Okay.---I never knew what he had done.

But did you just say that Ali had a conversation with Greg - - -?---Yes.

- - - about the money, about some money?---Yeah, he told him, "Tell Nosir to come pay me my money. He owes me \$15,000." That's what Ali told me.

So Ali said to Greg, "Nosir owes me \$15,000. Greg, can you tell Nosir to pay me my \$15,000?"---Yeah.

10 And was this the only occasion that you had heard of Greg?---Yeah, yeah, yeah. Like, I never speak about it, you know? I never talk to Ali much, you know, about these things.

All right. But is that the only one occasion, the one conversation you had with Ali about - - -?---Yeah, and I told him, "I get you the money off Nosir," you know. And I brought for him, one stage, \$3,000.

20 Okay. Is it possible that when Ali was telling you about Greg that he was telling you about somebody called Craig?---Oh, yeah, Craig. Yeah, Craig, yeah. That's Craig, Craig. Yeah, that's (not transcribable) not Greg.

All right.---Craig. Sorry.

So - - -.---Yeah.

When you were telling me before about somebody named Greg, you meant somebody named Craig, is that correct?---Craig, yes. Sorry.

30 And do you know somebody by the name of Craig Izzard?---No. They show me his picture last time. I don't know. (not transcribable)

You recognise this man behind me in court?---No. I never. I never saw him.

40 What happened when you went to Nosir's place after you got the call from Ali?---I went in there. I told him, "What is the story?" He ask me they will, they took all the books. He got evidence of me and I'm going to be in big trouble. And he's going to figure out some bloke to come and cop it, you know. Like, (not transcribable) under his name. And we'll pay him 30 grand. So he asked me to pay him 30 grand. I said, you know, (not transcribable). I'm not interested.

So he was trying to shift blame onto you for dumping at Bandon Road, is that correct?---Yeah.

And he said that if you paid \$30,000, he wouldn't put the blame on you, is that correct?---That's right.

So he wanted \$30,000. Nosir wanted \$30,000 for him to cover it up?

---That's right.

Okay. Can I show you a picture at volume 18, page 38?---Picture of?

It's coming up on the screen. I'm not going to tell you what it's a picture of but I'm going to ask you whether or not you recognise it.---Yeah.

10 Do you recognise this property? That road's Willowdene Avenue and it's in a suburb called Luddenham. And you can see the entry to the property, where the mouse cursor's about to go. Can you see that? There's an entry at the bottom right-hand corner?---Mmm. Yeah, I saw it.

Do you recognise this property?---No, I never been there.

Have you ever tipped material there?---No.

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

20 ASSISTANT COMMISSIONER: Thank you. Any questions by anyone else? Mr Patterson?

MR PATTERSON: I have no questions, Commissioner.

ASSISTANT COMMISSIONER: Then, thank you, Mr Fram. You can step down. You're excused.---Thank you.

MR MACK: I call Raed Ykmour.

30 ASSISTANT COMMISSIONER: Just take a seat there, Mr Ykmour. Will you take an oath or an affirmation?

MR YKMOUR: Affirmation.

ASSISTANT COMMISSIONER: Thank you.

ASSISTANT COMMISSIONER: Mr Ykmour, in the course of answering questions you may leave yourself open to some civil or criminal liability and I can protect you from that by making an order. Would you like me to make that order?---Please, yeah.

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

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

- 30 ASSISTANT COMMISSIONER: That does protect you, Mr Ykmour, but it doesn't protect you if you tell lies on oath.

Yes.

MR MACK: Mr Ykmour, am I pronouncing your surname?---Yeah, yeah, yeah, yeah, it's good.

Do you own a company known as Cobra Bins?---Yes, I do.

- 40 And did you lease a site at 30 Bellfield Road, Rossmore?---Correct.

And what business is Cobra Bins involved with?---It's a skip bin business.

A skipping business?---Skip bins.

Skip bins?---So we provide and we hire skip bins out.

And did you use the site at 30 Bellfield Road for your skip bin business?

---Yeah, storage of our bins and so forth, our trucks and stuff, yeah.

When did you first visit 30 Bellfield Road?---Ah, the first time was with a real estate agent obviously, so we did go through a real estate agent to, to lease the property, yeah.

And you had a look around when you went out there?---Yeah, and it suited our application at my knowledge at the time, yeah.

10 Did you meet the owner when you went out to inspect the property?---Yeah, yeah, absolutely, yeah.

What did – did the owner run a business from the property?---He was running a chicken business prior we came there I think, that’s what I know of, yeah.

Were there any chickens there when you were there?---No, no.

I’m going to ask you to have a look at a document which is at - - -?
20 ---Yeah.

- - - volume 8, page 9. And if you can just scroll down to the bottom. And is that your handwriting at the bottom of that page?---Yeah, correct, yeah.

And that’s dated 25 March, 2015?---Yeah.

Does that refresh your memory around about the time that you entered into this - - -?---Yeah.

30 If you can turn back to volume 8, page 7. This is the lease. It says, lease commencement date, 1 April, 2015?---Yeah.

You accept that was around about the time when the lease commenced?
---Yeah.

I’ll now show you page 2 of the lease. Sorry, this is the front page, it’s at volume 8 page 2?---Ah hmm.

40 Down at item 2 it says, “Permitted use, skip bin storage,” and then there’s some handwriting?---Yep.

Do you recognise the handwriting?---Yeah, that’s my handwriting, yeah.

Why did you write that on the lease?---I think when we went to sign the lease I just wanted to make it clear to the owner that this activity will be taking place so he knows and I don’t have problems with him later on, him saying that you can’t do that, so I wanted to protect my, my lease to make sure that it allows us to do that.

Did you discuss with the owner that you would want to be sorting rubbish at that site?---Yeah, of course, of course, that was the primary ah, primary reason why we got, you know, a shed and some storage space to, to kind of run a business that is just beginning obviously and, and run a business to its best of success, yeah.

So he understood that you would be using the site for not only storing but sorting - - -?---Yeah.

10

- - - skip bins. Is that - - -?---Yeah, yeah, yeah, and that's why - - -

What do you mean by sorting?---Oh, look, at, at the time I guess, you know, if you seen steel in a bin, you wouldn't take it to the tip, you would remove it, you know, so you would remove that steel and you would remove the stuff that you could potentially make money with.

So a bin might come in and there can be some scrap metal in there and you can - - -?---Of course.

20

- - - pull that out and - - -?---Of course.

- - - you can scrap that and - - -?---Of course.

Can I take you to a photo of 30 Bellfield, it's volume 8, page 58?---Ah
hmm.

Can you recognise this photo?---Yep.

30 And you will see two sheds there.---Yeah.

Which – or did you lease both sheds?---No. I leased the one on the left-hand side - - -

The one on the left. And what was - - -?--- - - - looking at it.

- - - in the one on the right-hand side?---The one on the right-hand side, we had nothing to do with that shed, we didn't even go into that shed and - - -

40 You've never been into that shed before?---I've probably been into it. At one stage he wanted to lease that out to us too but I wasn't interested. I knew that I've outgrown these premises and I wanted to move to bigger and better things.

Okay. We'll come to that in a second but before I come to that second shed and the owner wanting to lease it to you - - -.---Ah hmm.

- - - I want to take you back to 15 October, 2015 when some council officers attended 30 Bellfield Road.---Yeah.

Does that - - -?---I wasn't there.

Do you know what I'm talking about?---Yeah. I wasn't there.

10 You weren't there.---I wasn't there. I was in hospital with my father at the time but I got a phone call saying that, you know, officers did come and I said, "Yeah, no problems." And at that time I didn't take any – like I was – obviously I had – but I had family commitment at that time so it was the least of my worries and I thought and I thought yeah, whatever they need to do let them do whatever they need to do.

20 Did they tell you that the site didn't have a development application, appropriate - - -?---Well, well, well, this is, this is where it came to my kind of like – this is where I started understanding a bit about the business to be honest with you. This is where I started understanding okay, it's not a matter of just going anywhere and opening the operation of a skip bin business and I didn't expect it to grow so big at the time. So the officers there explained to me and Frank and Sergio who were excellent, they, they explained to me that you're in the wrong zoning, Roy. Yeah.

I understand. Do you know how they found out about your skip bin business?---I wouldn't have a clue.

30 Okay. Did you subsequently meet up with Frank and Sergio?---I did. Not that same day I guess. They – I called Frank and that and I met up in the office in Liverpool, yes.

And would have that been around about a week later?---Yeah, approximately, yeah.

I'll ask that you be shown page 45 of volume 8 and this is a note - these are Serge's notes and at the top it says 21 October, 2015 at 11.00am at council's depot at 44 Rose Street conducted an interview with yourself.---Yeah.

Does that sound about right?---Yeah.

40 If they came to your office – if they came to - - -?---No, I went to their office, yeah.

- - - 30 Bellfield on the – sorry. They came to 30 Bellfield on 15 October. 21 October you went to the council office, within about a week?---I guess so, yeah.

All right. I just want to show you the document that follows. This is also a note. It says at 11.00am. I'll just take you back to the previous page. One

– sorry. I withdraw that. Just, I was going to ask you a question but I'm not going to ask you a question any more.---No, you're right.

I've just figured it out for myself. Do you know the next time that Frank and Serge went to 30 Bellfield Avenue after the first time on 15 October?

---I honestly can't recall.

Can you recall them being onsite a second time and calling you?---Yes, I do.

10 Okay.---Yes.

And do you know what they said that time, on the second time when they called you and they were onsite?---Oh, they just wanted to kind of clarify everything that they – we were about, you know what I mean. And pretty much I was – they were straightforward to me. They explained to me that you need to leave the premises obviously, find another location to store your bins as it's not, you know, it's not viable to stay here and you need to leave the premises. And I, and I did explain to them, yeah, no, I'll be looking for a new location.

20

Okay. Do you recall them mentioning finding pieces of fibro with you at your property on the second time they went out there?---Yes, yes, absolutely, yeah.

Okay. And what did – can you recall what they said in relation to the fibro?---Yeah. Well, they said that I need to clean up exactly where I had my bins in the section I was using. They, they said to me that I need to do a clean-up or a test, a soil test there and I did do that and I need to do a clean-up.

30

All right. Well there's two separate issues there. There's testing the soil and then there's finding pieces of fibro?---Yeah. Ah hmm.

Where do you understand they found the pieces of fibro?---Ah, there was, there was just like one part of soil that was gathered there and that had little pieces, fragments of, of fibro.

Can the witness be shown volume 8, page 47. This is another note of Serge's and on the right-hand side down the bottom, there's three lines, it says 22 of 10. And it says "Between the times of 11.00am and 11.30am Frank and I were welcomed, invited onto the property by the owner of 30 Bellfield"?---Ah hmm.

40

"And then during inspection, F Bono and I saw what appeared to be disturbed soil and landfill (reasonably fresh)" and it looks like "they took photographs and they believe they saw pieces of fibro"?---Ah hmm.

Does that accord with your understanding of the conversation that you had with them, is that - - -?---Yeah, yeah.

So they were out at your property when they found fibro?---Yeah, yeah.

I'm going to take you to page 49 of that same volume?---Ah hmm.

And this is a couple of weeks later. This is on 12 November, 2015. And Serge and Frank go out there again?---Ah hmm.

10

And you'll see that about halfway, well the final paragraph on page 106 there. It says "Nicholas stated", that's the owner?---Ah hmm.

"Asked them to bring the material et cetera, but not shit fibro"?---Look, fibro was always, it was always something that we weren't bringing on site. I think that particular load was a dirt load that we had that I guess a customer gave us at the time and we weren't aware of that at all.

20

Okay. And then the next paragraph says, "This took place at the time they moved in approximately eight months ago. Nick stated he needed to stabilise the driveways. Nick states that he then, this took close around 8 April, 2015"?---Ah hmm.

30

"Bill from Cobra Bins is the person Nick spoke to regarding the imported fill. At 9.15am on this date being 12 of November, 2015, myself and officer Frank Bono," something, "(not transcribable) a large section of the described property where the substances were found". What I want to explore with you is the bringing of fill as opposed to rubbish onto 30 Bellfield Avenue. Did Nick ever ask you to fill in a hole on 30 Bellfield?---
No. But at one occasion Nick had concrete trucks that came to his site to concrete the shed next door. Because he wanted to prepare that for lease. So what he asked us to do is put all the bricks to the side because after the concrete trucks came in - - -

40

Sorry. All of the bricks from where, from?---From, yeah. So if we, if we had a bin that was full of bricks for example, what, what he done, because, because his concrete trucks came in and concrete trucks are pretty heavy so they stuffed up the driveway, our driveway and they didn't allow the trucks to come into our driveway. So what's his name?

Nick?---Nick, Nick wanted to strengthen up the driveway. So in order to strength up the driveway he wanted to throw some bricks onto the driveway to allow the trucks to come in and out. So he wanted to harden the, the, the driveway.

And you put the bricks on the driveway for Nick, is that correct?---We put them to the side for Nick. And Nick, Nick is one of those guys which, you know, he does himself, you know he does things around the yard himself,

you know what I mean. He's always, he was always around. Nick was always someone that was always around on his land. He was always there.

And when you say "we" is that reference to you and somebody called Bill Rifi?---Yeah, yeah, yeah.

10 So Bill's your employee?---Yeah, he worked for me at the time. Yeah, so he would help look around, like, if he wanted to put, like, at the time, I still remember, I was going off at Nick (not transcribable), you know, the concrete trucks, how was our trucks going to get in and out. That's our way of getting in and out. And he said, "Okay. We'll put some bricks and we just toughen up that area and then it'll be all right."

Okay. I want to take you to volume 8, page 52 now. Do you recognise this document?---Yeah.

It's dated 20 November.---Ah hmm.

20 And it's a direction to take clean-up action. And you see at point 1 there it says on 12 November, 2015 Liverpool City Council officers attended the location?---Ah hmm.

I take it that's a reference to the time they went out and expected the property with Nick because the document I showed you previously - - -
---Ah hmm.

- - - were the notes of Serge from 12 November, 2015.---Ah hmm.

30 And it said the property had quite a large area, approximately 300 square metres of fill, this is at point 2, that contained all types of building material, including pieces of fibro which were sighted and photographed. However, as per the investigation, the area that is required to be tested and remediated, has been highlighted and attached at appendix A, is an area of approximately 300 square metres, and the fill is approximately 300 millimetres high. And then I'll come to what it says at point 4 in a second. But if I take you to volume 8, page 58.---Ah hmm.

40 You'll see a blue triangle.---This is pretty much the only area that we worked on, mate. Look, prior this, all our bins were inside the shed. All our material was inside the shed. But obviously during that period they started putting bins outside. So not throwing bins on the ground outside but fill bins outside. So that's the area that we were using, yeah.

Okay. So they came, when I say they, Frank and Serge came to your place, the shed you were renting at 30 Bellfield. Recognised that there was lots of bins and rubbish lying outside the shed.---Well, not rubbish, yeah, no. It was rubbish inside the bins, yeah.

Oh, inside the bins? So the rubbish wasn't in the ground?---No, no. There was only one pile of soil on the ground. It was just one lot at the time. One of our drivers needed a bin at the time, and he tipped it on the ground in order that he was going to clean it up after, you know, when he gets a chance.

On 16 November, do you recall seeing Serge and Frank at 30 Bellfield?
---On what date, sorry?

10 16 November. So they come out on the 12th without you. They're walking around with Nick.---Yeah.

And then four days later did you, or around about that time, can you recall meeting them?---Yeah.

Does that - - -?---Yeah, yeah, yeah.

And so you walked around the property with Frank and Serge?---Yeah.

20 And you told them everything you just told me - - -?---Absolutely.

- - - in relation to - - -?---Absolutely.

And then if you turn to volume 8, page 54.---Ah hmm.

They gave you till 30 November, 2015 to complete the testing on the soil.
---Yeah.

30 And you asked for an extension at page 59.---Yeah.

You just emailed them.---Ah hmm.

And you said, "In regards to the letter we received, in order to do the ground testing at the location at 30 Bellfield Road, Rossmore I just require an extension of time. Looking for consultants that can do it ASAP and are required 14 days from today. Please confirm that it's okay. Thankyou."
---Yeah.

40 Did you engage a consultant to test it?---Yes.

And who are they?---I can't recall the name of the company now.

Can you recall sending that correspondence, or the analysis through to Frank and Serge?---Of course, yeah. They would have got that, yeah.

And what did the analysis come back as, can you recall?---The analysis came back. There was pieces of fibro, so there was a few pieces of fibro at the time, and the guy just noted it.

And what actions did you take to remediate?---Particularly, I spoke to Frank at the time and Frank said to me that you need to clean up the area that you were in. So we had a clean-up.

What did the process involve in cleaning up?---First and foremost, taking the pile that they did find the fibro in.

10 Yes.---Okay? And that was removed and taken to the tip, obviously. And having the clean-up of that area.

So in that area where there was a blue rectangle - - -?---Yeah.

- - - you had to somehow get that earth - - -?---Yeah.

- - - which contained the fibro and put it in the - - -?---Yeah, well, look - - -

20 How did you do that?---Well, like what I said, it wasn't the whole area that contained fibro, it was a pile there that contained fibro. So like what I said, they found a pile of fibro at that, not a pile of fibro, so dirt mixed with fibro, yep.

And so did - - -?---Yep, yep.

- - - you take that yourself to - - -?---Yeah, yeah, absolutely. We removed – obviously there was, there was bricks there because we put bricks at the time to toughen up the land, so all the bricks was taken and the landfill what we were able to fill up yeah, that was taken to the tip, yeah.

30 Did you have any protective clothing on when you were dealing with the - - -?---Look, I don't, at, at the time, no. I don't believe that there was – and, and, and the, and the contamination report stated that there wasn't, there was fragment of fibro there, so there was, there could have been, you know, just five or six pieces of fibro there and I knew where the – at the time when I looked at the pile, I knew that was a dirty load there.

40 Okay. If you've got a dirty load, can you tell the Commission what the process is for - - -?---Oh you take a, you take a – I've got – we just, just today, you know, somebody had a dirty load. The process is, you leave it at the customers and you don't take it until they take the proper, you know, proper methods to make sure it's not a dirty load. I'm not interested in taking dirty loads.

But if they take the proper methods and this is what I'm trying to get at is, where does it end up if you're doing it the proper way?---Oh, it ends up as, in the, in the, in the tips.

And you have to tell the tip that it's asbestos?---Well, of course. Asbestos needs to be wrapped up in, in, in plastic and it needs to be noted as asbestos bins.

All right. In relation to asbestos soils - - -?---Yeah.

- - - what's the process if you've got asbestos mixed in with the soil?

---I, I - - -

10 I'm not trying to trip you up, I'm just asking you what - - -?---No, no, no, for, for me, if we find out that the customer's got asbestos in the soil, I will reject taking the bin.

Well, can you have a look at - - -?---I don't want to, I wouldn't want to go through it. It's not, we don't specialise in that, we specialise in general building waste. We, we make it quite clear our company, if somebody calls, we make it quite clear, if they want an asbestos bin there's, there's things to do for the asbestos, but we're not mixed in taking landfill mixed with asbestos completely.

20

Okay. Can you have a look at volume 8, page 62?---Yeah.

And this is a docket, and this is what you provided to the Council - - -?

---Ah hmm.

- - - in relation to the clean up?---Ah hmm.

And it says, "Asbestos soils - - -?---Ah hmm.

30 - - - and 9.36 tonne."?---Ah hmm.

And it looks like you've taken this to - - -?---Dial A Dump, yeah.

Dial A Dump?---Yeah.

So is it a process that you put the soil in another skip bin - - -?---Yeah.

- - - and Dial A Dump came and took that?---No.

40 No. Well, what happened?---So our, our skip bin, so where, where they found the fragments of, of asbestos or the fibro - - -

Yeah?--- - - - we loaded all that in a bigger skip bin and we took it ourselves to Dial A Dump.

To Dial A Dump?---Yeah.

And they accept asbestos soils?---Of course, yeah, it's contaminated, it would show in there, see, asbestos soil.

And what do they do with it, do you know?---Well, you know, I don't know what they do with it, mate, so - - -

How much do they charge, do they charge per cube or per tonne for asbestos soils?---Well, I think they charge tonnage, so this would have been a pretty expensive bill, yeah.

10

And you'll see the date on there, 13 February, 2016?---Yeah, yeah.

Were you out at the property around that time, on 13 February, 2016?
---Look, at the time I, I, I, I was going through a situation with my father being in hospital, I can't recall. It wasn't as important for me as family commitments at the time. I can't recall going in and out, you know.

Did you load the contaminated material into the skip bin, do you recall doing that?---Ah, our excavator would have loaded it, yes, my excavator.

20

What I'm trying to explore, were you there onsite around February 2016?
---To load it?

To load it or just in general?---I can't recall, yeah. Maybe. Possibly.

But you weren't leasing the place at the start of this year, were you?
---No. At the time we were told, when they drew the blue line we were told nobody could touch that blue line or go in that area of the blue lines until we get the approval to go in there and clean it up, and as soon as we got that approval to go in there and clean it up, I ordered the, I ordered the clean-up.

30

That all occurred around, well, I'm just trying to get the chronology right. Around the middle of November 2015 you get a notice from Serge and Frank saying - - -?---Ah hmm.

- - - clean up. You then spend a bit of time getting it tested and then eventually in February you clean up?---Yeah.

Between November and February, did you bring any bins into the property for sorting?---No.

40

Okay. What was happening between November and February in relation to the shed you rented?---I was in damage control, looking for another location to move out.

Did you still have material in the shed?---It could have been material on the floor while we were cleaning up, yeah.

Okay.---Not outside but inside. As soon as we got this, there was a massive clean-up.

Can you recall when you left the property for the last time? Left 30 Bellfield? Can you recall what part of the year that was roughly? Was it end of last year, start of this year? Was it after you took the soil, the damaged soil to the tip?---Yeah, after I took the damaged soil. That would have been the last movement there, I would say, yeah.

10 And did you leave anything behind in the shed when you left?---No. We cleaned. Oh, wait, did I leave anything behind in the shed? You mean like rubbish or - - -

Yeah, or just anything. Any equipment, any - - -?---Yeah, there was a piece of equipment that was there. It wasn't actually mine. It was a compactor, cardboard compactor that was there.

And was there anything in the other shed when you left of yours?---No.

20 Okay. So when you left in February, both sheds were still empty?---Yeah, yeah.

Do you know - - -?---Well, no, not both sheds. One of the sheds had, the other shed had something in it. But there was supposed to be another person that was moving into the other shed.

Do you know who that other person was?---I wouldn't have a clue. He made it quite clear, if you don't take the next shed, someone else will come and take it and it could be another skipping company. And I said - - -

30 And by he you mean Nick?---Nick, yeah.

And did Nick offer you the other shed at the same time when you had the first shed?---I think he offered it to me but it wasn't concreted, the other shed. It had no meaning to me. I didn't want a shed that wasn't concreted. It just doesn't suit what we do.

40 And were you annoyed – would it have upset you if another skip bin company operated from the shed next door to you? Would have that caused your business any grief?---Look, I would have probably – I didn't act, like, to Nick that it upsets me or anything like that. But at the time I wanted to get out of there because it wasn't – you know, another skip bin company being there is not something that I would want, you know what I mean? I'm the kind of guy that likes to take, you know. For example, how can you have another skip bin company? It doesn't make sense there to me.

And did you have an argument with Nick about it?---I didn't have an argument with him. I pretty much – yeah, maybe I had a go at him. Like,

as in, like, you know, I'm not interested in taking your shed. But, yeah, I wasn't, I don't know. I think I played it kind of a bit smarter and said to myself, okay, if Nick wants to rent it to someone else, well, let it be. It means that I'll prepare myself for exit, you know?

But you never saw another skip bin company come in?---No. I was told that they started bringing in, you know, they brought in some bins and that for repair or something like that.

10 Did they bring in a rock barrier?---Yeah.

What's a rock barrier?---It's a square block of concrete which, you know, they use in waste recycling places, yeah.

To push material up against as a - - -?---Yeah, yeah.

And do you know - - -?---Something that I didn't know that, you know, is used in our industry. That's why I damaged Nick's shed here and there.

20 And do you know who brought the rock barrier in?---I'm the kind of guy that doesn't get involved. I didn't want to get involved who's coming in and who's coming out, you know?

So are you aware that Mr Kolovos, or Nick, had completed a development application in relation to 30 Bellfield?---He spoke to me about something like that. But, you know, I'm not sure, mate. You know, look, Nick is, I don't know, to me he was just my landlord, you know?

30 Okay.---Whatever he said, he said, you know?

I'm going to take you to another document. Can the witness be shown volume 8, page 68? Sorry, 67. This is a development application form for 30 Bellfield Avenue, Rossmore.---Ah hmm.

Have you ever seen this document before?---No.

I just want you to have a look at the handwriting on description of proposal. Do you recognise any of that handwriting?---No. No, I don't recall this document at all.

40

Can you turn to page 75 of that document.---No, definitely not my handwriting.

Does it surprise you that it's dated 25 November, 2015? When I say does it surprise you, this is around about the time of 16 November when you got a clean-up notice in relation to your shed and nine days later Nick is filling out a development application form.---Yeah. I don't recall any of that, mate.

He didn't discuss that with you at all?---At all.

All right.---Nick made, made it quite, quite clear that work we're doing is permitted in this location. At the time I took his word for it as well so it's, you know, obviously I - - -

10 So were you upset with him when you got a notice saying that it wasn't permitted?---Oh, absolutely. Absolutely.

And did you blow up at him?---Absolutely, yeah, yeah.

What was his reaction?---His reaction was, you know, I think Nick – to be honest with you I think Nick was looking forward to the next people that are coming into the premises.

Well, what – why do you say that?---He didn't, he didn't really care about us no more. He was - - -

20 What gave you that impression?---Just his body language I guess, you know what I mean. Like you can read when somebody welcomes you into, you know, doing work at his premises and you can see when somebody's not welcoming you so I didn't feel like I was welcomed. I was – I felt like I was getting the flick and to be - - -

30 So was this around – when you were getting these signals from his body language was that in November, 2015 near the time you've been issued this notice or was it later on?---I reckon even before when he was trying to get other people to lease next door.

So he was trying to get other people to lease - - -?---So maybe he found better and bigger things, you know, for people to rent next door. Maybe these guys offered him to rent the both premises and - - -

And when you say maybe, do you have any foundation for saying that, any conversations?---No. But like what I said, you know, body language says a million words, you know, like at the time I felt, you know, he was really nice to us and then all of a sudden, you know, he was just - - -

40 When you went back there in February, 2016 there wasn't another skip bin business operating from either shed was there?---No. No.

Did you have a conversation with Nick about the absence of people in - - -? ---Yeah, Nick was concerned because he kept on saying – Nick kept on saying oh, how am I going to make money now and I owe money and all this. And I said to Nick, I said, "Mate, you need to find someone else that is going to lease the premises," you know, like, and I told him I'll even help

you. He goes do you know anyone? I said, "I'll help you but I don't know," you know what I mean.

And when were you having these conversations with - - -?---That's pretty much later on, yeah.

After - - -?---Yeah, after I left the premises, yeah.

10 Well, around the time you went back to get the - - -?---Because he's always – it's always Nick like oh, they took my tyre for example and they blew my tyre when they were using my machine so I always had to pay him back through various tyre. It was so important his tyre and his shovel.

So who would, who would bust the tyres, somebody who was working for you or - - -?---Like Nick had a machine there too so his machine sometimes – when our machine broke down or there was some problem with the machine we used Nick's machine or, or borrowed his tyre or, you know what I mean.

20 All right. I just want you to have a look at volume 8, page 75 again and there's an email address there for a Tom, and I can make out a K, an L, perhaps a V or an S. Can you see that?---Don't recognise it. Never seen an email - - -

You don't recognise – you don't know somebody - - -?---No.

Are you familiar with a system for tracking the transport of asbestos waste called WasteLocate?---I am familiar with it, yeah.

30 Did you use, or when did you become familiar with WasteLocate?---Oh, it's, it's a new system, correct?

Yes.---It's a new system. I still haven't – I still haven't went up there and looked at it myself.

40 How did you find out about it?---Actually I found out about it when a customer wanted us to pick up – deliver to him an asbestos bin and he said he wants just a bin but we tip it under his account and he spoke to one of my business partner and spoke to him. So look, to be honest with you with asbestos it's not something that we concentrated on. It's not something we looked at, you know, running our business with. We weren't overly – I, I – at the time when I was at Rossmore I probably – if I seen a fragment of asbestos – I still question if I see a fragment of asbestos. Is it asbestos or isn't it asbestos so - - -

All right?---I still don't have that full knowledge of what asbestos is.

All right. Can you tell the Commission the next site you operated your business from after you left 30 Belfield?---Yeah.

Where did you go?---I went to 36 Kookaburra Road.

And where's that, is that in Prestons?---In Prestons, yeah.

And can you recall receiving a call from a Mr Izzard?---I didn't receive a call from Mr Izzard, I received a card on the fence from Mr Izzard.

10

Can the witness be shown Exhibit 18?---Yeah. That was the card that was on the fence, yeah.

Thank you?---By the way, I gave that card, a copy of that to you guys, yeah.

Thank you, yes. And that's the copy you gave the Commission. What happened after you received that card?---I did call Mr Izzard.

20

And where did you find the card?---I had one of my staff members call me and send me a photo of it. To tell me that this card was left on the fence.

The fence at Prestons?---Yes.

Kookaburra Road?---(No Audible Reply).

30

And can you recall the conversation you had with Mr Izzard?---I did call Mr Izzard and I wanted to know why was the card left there. Now at the time I called Mr Izzard and he explained to me that you know, you've got bins there and so forth. And I said, you know, at the time I said to him, look I've called Council and I've let them know that I'm using to store my bins there.

And why did you – just pausing there, why did you call Council to tell them that?---Look, Frank made it quite clear to me that, listen, Roy, you need to be in the right zoning and I found that zoning permissible to store bins. And I wanted to get it in writing so I cover myself and my position from now on, you know.

40

And what was Craig's reaction to you telling him that you'd told Council?---I think he, he questioned it. He did question it. But he said, you've got no, who was it for and he asked me the name of the person or whatever you know at Council. At the time I gave him the information that I knew and he explained to me that you know, we need to meet up and I said "Yeah, no problems". And he said "Look, it's towards the end of the year so we'll meet up next year". And I said "Yeah, no problems". And he goes "I'll give you a call" and never heard from him since.

Okay. And when you say it was at the end of the year was it before Christmas in 2015?---Yeah, yeah. I would say during that, during that period, yeah.

Do you know a person by the name of Nosir Kabite?---Nosir, yeah.

How do you know Nosir?---Nosir, I, I bought an excavator off Nosir.

10 How much did you pay for it?---16, maybe \$16,000. It was damaged, it had no, had no chain. It was – the driver on it was broken.

Why did you – did you know the driver on it was broken when you bought it?---Yeah, yeah. It was, it was, it was a one-legged excavator, mate.

20 And how did you find out that Nosir had an excavator for sale?---A friend of mine told – a friend of mine who does repair work he fixes up excavator and at the time, no, I needed, I thought maybe it's a good idea buying an excavator so I did purchase the excavator and which I (not transcribable) but, yeah, I did.

How did you pay for the excavator?---I paid Nosir.

In cash or?---Yeah, yeah. I took an invoice as well.

Why didn't you transfer him the money electronically or by cheque?---At the time I think it was – I had to pay him that night you know when I took the, when I took the excavator. So it was, it was a way of, of just paying for it.

30 What's happened to the excavator now, do you still own it?---Yeah, yeah, I still own it, yeah.

You just never used it?---No. I repaired it actually. I repaired it. And it still doesn't run properly but I repaired it, yeah. I want to sell it actually.

Commissioner, they're all the questions I have for this witness.

40 ASSISTANT COMMISSIONER: Yes, thank you. Does anyone have any questions of Mr Ykmour? Yes?

MR WILLIS: Commissioner, my name is Willis. I'd seek your leave to appear for Mr Nick Kolovos.

ASSISTANT COMMISSIONER: Yes, Mr Willis, grant your leave.

MR WILLIS: And I do have just a couple of questions if I may.

ASSISTANT COMMISSIONER: Yes.

MR WILLIS: Thank you. Mr Ykmour, you were shown a copy of the lease for the shed that you leased from Mr Kolovos. You recall seeing that just a short time ago?---Yep.

And you were taken to some handwriting on the lease which you identified as being your own handwriting. Is that right?---Yes, correct.

10 And so far as – thank you. I think that document should be on the screen in front of you. So far as that handwriting is concerned, when did you write that onto the lease?---I don't recall, mate, but it was written by handwriting, yeah. Maybe when the real estate was with me or - - -

Do you remember the circumstances under which you've signed the lease?
---What do you mean by that?

Well, did you sign it at the real estate agent's premises or where did you, where were you when you signed it?---I don't recall.

20 Okay. You wrote in the, into the lease in terms of the use that could be made of the premises, the words, "and sorting and truck storage with machinery storage."?---Ah hmm.

Can I ask you, in terms of those words, what was meant by, what did you mean by sorting when you wrote that in there?---As I explained to the gentleman um, if we seen a bin that we can potentially take out some products that can be sold and, and, and renewed and recycled, in order to save our tipping bill I would do so.

30 And you particularly I think when you gave that evidence before you referred to for example scrap metal. Is that right?---Yeah, it could be scrap metal, it could be aluminium, it could be – it could be anything that is, is, is worth any value to us and - - -

Okay?--- - - - we don't need to be putting it in as landfill and our landfill costs going up, so it was a smarter thing to do and I wanted that option.

40 Yeah. And otherwise it was, the words that you wrote in were, "truck storage," does that mean that you were going to leave a truck in the premises or at, at the premises?---Yeah, of course. The truck stayed there obviously, at the time we probably had only two trucks, but yeah, at the time, yeah, trucks were left there, yeah.

And machinery storage?---Yeah, whether it's a bobcat or a little excavator or, at the time we probably only had a forklift and a, and a bobcat, yeah.

Okay. You said that you, you discussed with Mr Kolovos sorting rubbish, sorting of rubbish at the premises?---Ah hmm.

When was it that you had discussion with him?---From day one.

You mean from day one after the lease was signed or what?---From day one. When I first met Nick he explained that this (not transcribable) we'll take, we'll take, yeah, it will happen.

10 And did you describe the sorting of rubbish to Mr Kolovos?---Describe the sorting of rubbish?

Well did you describe to him what that would entail for your business?---I didn't explain to him how my business is run or - - -

No, no?--- - - - or how it's going to be run but, yeah, But, you know sorting was an option for me.

20 All right?---You know I don't even think that sorting was even a major option at the time, it was more putting more rubbish in one bin. Because we get rid of our waste per cubic at the time. And at the time I didn't know that until I entered this business. But, yeah, I, still to today I pay cubic price to get rid of my waste. So it was all about getting more bins in one bin.

Did you have disagreements with Mr Kolovos in relation to what you were doing at his premises?---Not at all.

30 All right. You mentioned in the evidence that you gave about putting bricks in to strengthen up the driveway?---Well that wasn't my, that wasn't what I wanted to do. I wanted the, I wanted the land to be fixed. Because it didn't allow my trucks to come into the shed.

Yeah?---And that was destroyed by Nick who had big massive concrete trucks for two days in, in wet weather delivering concrete to, to concrete the other shed.

40 Right.---So I, I did have a – I did – I was really angry with Nick because he's not – he wasn't entitled to destroy the ground and we need to keep our job and our business running and Nick explained that, you know, I'll lay, I'll lay with concrete bricks your, your driveway which I ended up cleaning his decision as well. So he laid it with bricks and again Bill, Bill helped him do that as Nick is an older bloke and Bill who worked for me helped him do that but under his – he was there. He done it with him.

Did you see work done on the dam on Mr Kolovos's property?---I'm going to disclose this. I – as I – Nick's land is, is the kind of land which I believe is not naturally built from the day one I went into that land. All his neighbours are lower than him. I'm going to disclose that and I questioned

myself after that. Nick's land didn't look right from day one to me. It was always – his land was always higher than his neighbour's land and his dam didn't look overly clean and so that's the truth.

What I asked you in fact, Mr Ykmour, was whether or not you saw any work being carried out on the dam on Mr Kolovos's property?---No.

All right. You never assisted him at any stage to do any work on the dam?
---No, not at all.

10

All right.---I was too busy running my business, mate.

And you said that, that you had outgrown the premises and that basically you were wanting to move on. Is that right?---Yeah, absolutely. I think as you, as you stay with, with Nick there you realise the future is not there for a long term and you know that Nick kind of – he can be really at you, you know, like as in like, you know, you can't borrow this or you can't do this or you can't – you know what I mean. So he was really, he was really feisty, you know, and from old age I guess he's - - -

20

Well, Mr Kolovos was wanting you to move out before you had decided that you'd outgrown the place hadn't he?---I said I seen that in body language.

Yeah.---Even by him bringing competitors and putting them next door it means, you know, it would mean to anyone, you know, how would you feel if a competitor was going to move next door to you, you know. Would they steal your bins.

30

Well, it was more than just body language. He, he told you that didn't he, that he wanted you to move out?---No. No.

All right. I have nothing further, thank you, Commissioner.

ASSISTANT COMMISSIONER: Anything arising?

MR MACK: No, Commissioner.

40

ASSISTANT COMMISSIONER: All right. Thank you, Mr Ykmour.---No problems.

You're excused and we'll adjourn till tomorrow.

THE WITNESS EXCUSED

[4.08pm]

AT 4.08PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.08PM]