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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

Reference: Operation E15/0978

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 31 AUGUST, 2016

AT 10.05AM

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

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

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Commissioner, I call Mr Nicolaos Kolovos.

ASSISTANT COMMISSIONER: Mr Willis, you're appearing for him?

MR WILLIS: Yes, if your Honour, Commissioner please pursuant to the leave that you gave yesterday.

10 ASSISTANT COMMISSIONER: Yes, thank you.

MR WILLIS: I can advise you, Commissioner, that I've advised Mr Kolovos on his situation in terms of giving evidence and he asked for a declaration pursuant to section 38.

ASSISTANT COMMISSIONER: Certainly. Thank you. And, Mr Kolovos, will you take an oath or an affirmation?

20 MR KOLOVOS: Whatever. I'll take an oath.

ASSISTANT COMMISSIONER: An oath. Thank you.

MR KOLOVOS: Whatever.

<NICOLAOS KOLOVOS, sworn

[10.06am]

30 ASSISTANT COMMISSIONER: Thank you. Just sit down there, Mr Kolovos. In accordance with what Mr Willis has informed me, pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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

**OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR  
THING PRODUCED.**

ASSISTANT COMMISSIONER: Mr Kolovos, that will protect you but if doesn't protect you if you were to tell lies on oath. You understand?---Yes, sir.

Thank you. Yes, Mr Mack.

10

MR MACK: Mr Kolovos, do you own a property at 30 Bellfield Road, Rossmore?---Avenue.

Avenue in Rossmore?---Yes.

You just might need to come a little bit closer to the microphones, Mr Kolovos, so they can hear you. How long have you owned that property for?---Since 1974.

20

And what's your current occupation?---I was an ex-poultry farmer, retired.

Ex-poultry farmer. So you operated your poultry farm from 30 Bellfield Avenue. Is that correct?---From 1976 onwards.

Until when?---1976 - - -

Yes.--- - - - onwards.

30

Yes. And are you still operating your poultry farm business?---No. I stop I think was 2014.

So there's no longer any chickens on your property?---No.

But it's correct that there's two sheds on your property?---Yes.

And when – were those sheds used for your poultry farm business?---Yes.

So when your poultry farm business ceased operation those sheds stopped being used for your poultry farm business?---Empty.

40

And did you want to lease those sheds out to make some money?---Yes.

And can you recall the first time that you leased one of those sheds out or both of those sheds?---One of the sheds was approximate, approximate March/April, 2015.

And that was to Cobra Bins?---Cobra Bins.

And Mr Ykmour, Roy?---I knew the name Roy and Ali.

So if you finished your poultry business in 2014 - - -?---Yes.

- - - and the first time you leased the shed was in 2015 - - -?---Yes./

- - - to Cobra Bins, there would have been about a year when they were vacant. Is that correct?---About, yeah.

10 Can you recall how you first met somebody from Cobra Bins?---An agent brought them in. An agent from a real estate agent.

Yes.---Because I was advertising through Gumtree. My son-in-law, he advertise through Gumtree to find someone to lease the sheds.

And did you have a real estate agent at that time?---Raine & Horne real estate agent from Campbelltown.

20 Okay. So was it Roy that got in touch with you through an ad on Gumtree or through your son-in-law?---No, the agent brought two people.

Yes.---Roy and Ali.

Roy and Ali. So you weren't advertising through Raine & Horne? Or were you advertising through - - -?---We were advertising through Gumtree and friend of mine put on internet. Raine & Horne handled the lease.

And did Roy and Ali come out and inspect the property?---Yes, they did.

30 And was that the first time you met them?---First time I met them, and straightaway they took the lease.

And do you know why they wanted to lease that shed from you?---I assuming. I don't know. I don't know.

Did they tell you why they wanted to lease the shed?---They was going to use metal fabrication and welding Cobra Bins, which they were building the material from China.

40 So you thought they were bringing in metal from China and making bins out of that?---That's what was original their idea.

And that's what they said to you on the first occasion they met you?---At the first occasion, that was.

And when you say they straightaway took up the lease, was it very long between the time they inspected your property and the time they actually signed the lease?---Don't exactly remember. Could be two to three weeks.

Two to three weeks.---I can't exactly.

I'm going to take you to the lease now. If the witness can be shown volume 8, page 2. Do you recognise this document?---Yes.

And you see the parties and it says names, and there's your name, Nick Kolovos. And I presume that's your wife's name?---Yes. Yes.

10 And I want to direct your attention to two-thirds of the way down the page and you'll see some handwriting.---Yes.

And it says, "The premises must only be used for," and it's typed, "skip bin storage." And then there's some handwriting "and truck storage with machinery storage". Do you see that?---Yes.

And can you see underneath the word machinery storage, there looks to be some scribble and a circle?---Yes.

20 Do you recognise the handwriting in relation to the circle and the scribble?  
---I don't recognise the handwriting.

You don't recognise the handwriting, but I'm asking you in particular, is that circle with the squiggle, are they your initials?---Not sure.

Not sure.---I'm not sure.

30 Can you see on permitted use it says, "Skip bin storage and sorting and truck storage with machinery storage." It doesn't say anything about metal fabrication or the manufacture of skip bins.---(not transcribable) his corporation name is A & L Metal Fabrications (not transcribable) as Cobra Bins.

Yes.---That's got, I think, been discussed with the agent and these people.

Okay.---We make a pre-lease piece of paper. The agent took it. The agent come Monday morning with the lease in his hands and he ask me, "Can you please answer, have you changed anything in there?" I said no.

40 Yes.---I signed. My wife and I signed the piece of paper. Then it took about three or four weeks to get the lease back, which we got through my son email address. And I had a big argument with the agent, because he said something else there which I didn't agree.

Which was what?---One month rent free.

All right. Can I take you to page 6 of volume 8? And this is part of the lease agreement. And you'll see that it's signed by the lessor in the presence

of somebody by the name of Andrew. And then to the right-hand side, is that your signature?---I've got no signature here.

Oh, you can't see. I'll show you. The copy on the screen is blacked out but I'll show you the original copy, and I want you to identify the signature or see if you can identify the signatures on that page. And for the transcript I'm showing the witness volume 8, page 6.---On the top is mine. Underneath is my wife's signature.

10 And can you recognise the other signature?---No. I don't know if it's the agent. He hasn't signed in front of me.

Okay. So when you signed that, was the agent's signature already on the paper?---I can't remember. He brought it about 9.00, 8.30, 9 o'clock in the morning. He took the paper with him straightaway.

Okay. But you can't recall him signing?---Cannot recall.

20 If you go over the page to page 7, you will see that it says the lease commencement date is 1 April, 2015 and the rent commencement date is 1 May, 2015. Is that what you're referring to when you say that the agent cheated you?---No.

No?---In your contract, I don't know if it's there or not, they're supposed to start March and they didn't pay for one month.

30 All right. I'll just take you back to the front page of the contract. This is volume 8, page 2. And item 3, it says underneath the handwriting, it says, "Term of lease. A term of one year commencing on 8/4/2015 and ending on 7 April, 2016." Do you see that?---Yes.

Your evidence is that you understood that the lease agreement would commence in March 2015?---I think, yes.

And do you recall, do you know somebody from Liverpool Council by the name of Frank?---Yes.

Do you know his surname?---Frank Bono.

40 Do you know somebody called Serge or Sergio?---His partner Sergio.

And can you recall Frank and Sergio and perhaps a few other officers from Liverpool Council coming out to your property?---A lot. They come a lot more people into the property. I never knew their name.

So can you recall the first time that people from the council came to your property? Can you recall the date?---Exact date, no.

Around about?---Around the middle of October.

Okay. And it was around March when Cobra Bins moved into the shed, is that correct?---March or April.

March or April.---Can't remember.

So there was about five to six months between when they moved in and - - - ?---Move out.

10

Between when they moved in and when the council first came, is that correct?---Approximately, yes.

And during that six months, what was your relationship with Cobra Bins like? And when I say Cobra Bins, I mean Roy and also somebody called Bill. Do you know somebody called Bill?---Worker.

Bill and - - -?---Brother-in-law of Mr Roy.

20

All right. And you mentioned somebody called Ali before.---Yes, that's Roy's partner.

Okay. So there's three people that you knew from Cobra Bins, Roy, Ali and Bill. Is that a fair statement?---They brought more workers there but I had no, I haven't talked to them.

30

So can you first of all tell the Commission what your relationship with Roy was between when Cobra Bins first moved in and when the council first came, did you speak to him much?---At the beginning Bill and Roy didn't turn up for, I don't know two/three weeks. Bill was operating around the shed. I did help them a lot because they brought a lot of containers from China.

Sorry, just – they brought a lot of containers?---Containers with metal, metal to build the bins and I help them out because I've got a little, a bobcat. I help them out and then we had the little, a little argument with Mr Roy.

Is this before the council came?---Before the council come.

40

And what was the argument about?---The argument was – except they brought a lot of I call rubbish in my shed which I thought was not in the contract and they start throwing soil out of my shed which the agreement was never ever put anything outside the walls of the shed.

When you say they started throwing soil out of the shed, was - - -?---Tipping.

- - - there soil in the shed and they were throwing it out or were they - - -?

---They was bringing rubbish in the shed like recycling bins and emptying in my shed.

Yes.---And they push the – I’ve got (not transcribable) panels on the walls. They put 16 panels out. I think was two weeks or three – two and a half weeks before the council come I walk the back of the property I saw Mr Ali and I ask him to get his rubbish and –excuse me – and get out of my property.

- 10 Feel free to swear, Mr Kolovos. It’s fine if you need to.---No. I told them straight to get the rubbish and out of my property. Only had a year lease but the agreement was nothing to put outside my property, my sheds and destroy the sheds.

20 So did you have a problem with there being rubbish inside the shed or just outside the shed?---I didn’t know at the begging what they was going to do because at the beginning for the first two or three months they were building, building, building. They had one truck to get one bin or two bins a day. They had the bobcat break down. They used to borrow my bobcat and I stop them. And then after I had – I was, can I say fed up with them. I said please, I told them to get out of my property. Ali rang Roy. Mr Roy call me back. He said, “Nico, you will have a heart attack. Take it easy. I’m in hospital with my father.” Had operations, whatever. “I come and see you.” He come about two or three days later and he promised me they were getting out because they wanted a big area to go.

So this was about two weeks before the council arrived?---About two/two and a half weeks before.

- 30 So when the council arrived were you surprised that the council arrived?---I was pleased.

So did you tell the council beforehand that - - -?---I didn’t knew the council will come.

Do you know why the council came out?---I have no idea.

At the time the council came out - - -?---Yes.

- 40 - - - had you arranged for somebody else to take over the shed that Cobra Bins were - - -?---No. A week before, or approximate a week before an agent from – another agent brought two customers.

When you say another agent - - -?---Two clients to lease the other shed.

If I say Country Lane, does that - - -?---Country Lane, a young lady her name Wanda.

Yes.---They come up with two people to ask to lease the shed. Mr Bill saw the agent and these people. He rung Mr Roy. Mr Roy call me back. He said, "If you lease the same – the other shed on the same business I'm out." And I told him, "One way or the other you got notice you getting out." Now when the council arrived I rang the agent because Frank (not transcribable).

10 Yes. Just before you go into when the council arrived, I want to explore with you, you said her name was Wanda?---Yes.

From Country Lane?---Yes.

Did she come out to your property with two gentlemen? Is that what you said?---Yes.

And were you at the property at that time?---I think she rang me to come up with two people to have a look at the shed.

20 And did you go out and have a look at the shed with Wanda and the two other people?---The one shed, yes.

So this was the shed that - - -?---Empty.

The empty shed.---Yes.

And this was about a week before the council came out?---A week, week and a half.

30 And can you recall who the two men with Wanda were?---They were from Geta Skip, I believe.

Yes.---One name was Abdul. The other one, I thought his name was Habib, I thought. I don't think I knew his name was Ibrahim.

And were they Lebanese?---Yes, they were Lebanese.

And to the best of your knowledge, was Mr Ykmour Lebanese?---Who's that?

40 Roy. Roy. Was Roy Lebanese?---Yeah, he was.

Was Ali Lebanese?---Yes.

And Bill?---And Bill Lebanese.

And so did you show Abdul and this other person and Wanda the - - -?  
---Yes. Yes.

- - - the vacant shed?---One shed. Empty one.

And did the empty shed, what was the floor on the empty shed?---Before end of June 2015 I put, I believe it was the last week of June, I put concrete.

Okay. And the floor in the shed that Roy and Ali and Bill were using, was that also concrete?---I put it about, oh, I can't remember exactly, about eight months, a year ago, concrete.

10 Eight months or a year before Roy started using it or - - -?---About eight months, nine. I don't know exactly.

But when Roy and Cobra Bins moved in - - -?---Was concrete.

- - - it was concrete?---Was concrete.

And you said that Abdul and this other person, who you now know as Ibrahim, worked for a company called Geta Skip?---I think. I've got a card. They left me a card.

20

So what type of business do you think Geta Skip was going to operate out of the empty shed?---I've been told they was operating in another property which the owner wanted to build a commercial building or something on it, and they wanted to move into another property. And they had a look at mine, they said they like it, and they wanted to operate there.

Did you think that they were fabricating metal and making skip bins?---No.

30 What did you think they were going to do in your shed?---I thought they was going to do exactly what Roy was doing.

40 So you didn't have a problem with Geta Skip having a waste business, if I can call it that, in the empty shed?---No, (not transcribable) at the time, I'm not allowed to lease the sheds except rural. I have ask a councillor, the local member of Liverpool Council, if I can, instead of putting chickens back in my sheds, because I had an operation, I couldn't work anymore, and behind my property was a school, if I can lease the sheds for something else, storage. Two weeks later, Peter Harle is his name, he call me. He said he had information from the, I believe the manager or someone, yes, I can lease the sheds. With that opinion, I thought I'm allowed to lease the sheds.

Okay. When did you have this conversation with Peter from the council? ---2014. Before Christmas, after Christmas, I can't remember. Because then I start pulling – the cages were about two point two high from the ground, with post. And I had to pull them out and then done the concrete.

What I'm trying to explore is why you had a problem with Cobra Bins using one shed for a waste business and then you didn't have a problem with

leasing the other one to Geta Skip for a waste business?---I been told by the two operators, the new operators they was going to install equipment in the shed and never put anything outside the walls.

And what kind of equipment were they going to install?---I have no idea. They was going to – they told me was going to spend up to \$100,000 to bring sorting equipment.

Sorting equipment?---Yeah. I don't know.

10

So your issue with Cobra Bins, is it correct to say the issue was more in relation to rubbish being outside the shed than inside the shed?---Yes.

And can you recall how long you were walking around the property with Wanda, Abdul and Ibrahim for when you were showing them the spare shed?---Five/10 minutes.

Did you walk into Cobra Bins shed that they were using?---No.

20

And did they agree at that time to take up the lease?---The agent supposed to draw a lease.

Straightaway?---They was looking to move in February 1 of this year.

So it was your understanding following the inspection with Wanda, Abdul and Ibrahim - - -?---Yes.

- - - that they wouldn't move in until February, 2016?---February 1.

30

They didn't impress upon you that they needed it urgently did they?---No. They told me they got where they were, they will stay till the end of the year. They ask me if they can bring in – they saw the damages from outside in the other shed and they brought some pallets with concrete and they put them on the – in the shed when they come in to put them against the wall to protect my property.

When did they bring the pallets with the concrete on them?---Oh, before Christmas.

40

But after the council came?---After the council come.

Now you said that you had an argument or a phone – sorry, I withdraw that. You said that Roy found out that you were showing your empty shed - - -. ---Yes.

- - - because Bill called him.---Yes.

Did Roy call you on the same day that you showed the other people around?---I don't remember but Roy call me and said if I lease to these people doing the same job he's out, he getting out.

And you said well, that's fine, because I want you gone anyway?---I was going to ask him before, ask him before because he throw a lot of rubbish on my property.

10 So had you already asked him at the time of that argument to move out?  
---Yes. Ask Ali, not him.

Did you ever offer the empty shed to Roy to lease?---They ask me if they can original if they expand to get the other shed and then Mr Roy ask me to store their bins in my other shed because he wasn't ready to pay money and I said no.

So you never offered him the lease on the other shed?---He ask me if he's ready to get a lease.

20 That's him asking you but what I'm asking - - -?---He ask me if he gets the other shed to lease it but he never come up with the offer, with a - - -

All right. I want to take you back to the first time the council came out.---  
Yes.

Who was there on your property when they arrived, can you recall?---I believe Bill.

30 And were you there?---I was up in my house. The two inspectors, one out the back. And I walk halfway. Ask me who I am. "Get out."

Who said get out?---Frank.

And do you recall how many officers there were?---I didn't know who was. I had no idea.

You didn't know that was Frank at that stage, did you?---I did not know.

40 And did you see any other people in council uniform, for example?---I don't remember if even Frank was in uniform or the other fellow. A lady and another man come.

So there was four people from council?---Yes.

And they, where did they go after they told you to get out?---I went home.

And that's the last you saw the council officers? That day?---No. The two left I don't know how long later. Frank and Sergio, they asked come up, and

they asked me if I got a lease. I gave them copy of the lease. They said the agent hasn't done a proper job and I can sue the agent.

Okay.---Also I told them I had the okay, what they call it, from telephone from Peter Harle, I've been allowed to use the sheds as storage. I rang Peter from my phone, in front of Frank.

Yes.---And Peter said yes but we didn't say what kind of storage.

10 So you rang Peter again?---I rang Peter in front of Frank.

In front of Frank. But Peter never put that in writing, did he?---Never.

And then what happened after that? Did Frank leave?---Come up the house, read the contract. I offer him, try to be polite, cup of coffee. They said no. They'd prefer a glass of water. My daughter were there because my English are not the best and I could not understand all their words. My daughter and Frank, they had the talk. Somebody else come outside my house and I walk out and then I walk in again. I don't know what Frank and my daughter, they had a conversation.

And you recall whether Frank came out to your place again after the first time?---Frank maybe one or two more times.

Can you recall the next time he came? How long after between the first and the second time?---Can't remember.

Can you recall what you discussed with Frank? Or on the second time can you recall if Frank was with Serge?---He was with Serge.

30 And can you recall what you discussed?---Not exactly.

You know why they were out there?---They come and they had a look around, around, around the property.

Okay. And can you recall them coming out again?---I believe the third time, I can't remember if they come two or three times original. The third time was in 2016 to inspect the cleaning up from Roy's cleaning.

40 Okay. We're going to take you to a few documents just so we get the chronology correct in terms of who was at your place when. Can the witness be shown volume 8, page 23? And perhaps if the witness is shown page 22 first, just to identify the document. This is a document generated by Liverpool City Council. It's a customer request. And right down the very bottom it says, "Frank Bono, 15 October, 2015." I'll just get the operator to scroll down. See that? And then over the page it says 15 October, 2015. And these are the notes of Frank or somebody from the

Liverpool Council. And what I'm asking you to accept is that the first time they came out was on 15 October, 2015. Does that sound about right?  
---About. I said about that time.

And at the very last paragraph it says, "Nick also told us that next month another skip bin company by the name of Geta Skip will be moving into the second shed. We told Nick to hold off on the signing of the lease until this matter is finalised." Can you recall saying that to them?---I, I can't remember what time it was. They said I done three – I had a letter from the council when Frank was there I think. Liverpool Council send me a letter saying this is an RU4 - - -

Yes.--- - - - property.

I'll come to that letter in a second but not, not right now. But what I'm – what this person is saying who wrote this note is that you told them on 15 March that another skip bin company by the name of Geta Skip will be moving into the second shed. Do you see that or do you want me to - - -?  
---No, I can see that.

20 You can see that. So on 15 October there's a record of you saying that Geta Skip will be moving in next month, that's November, 2015.---I cannot remember that.

Cannot remember that.---Because they told me supposed to move in 1 February.

30 I want to take you to the next time I say that Frank and Serge came out to your property and I'll show you another document. This is at page 47 and I want to draw to your attention you see an 87 on the right-hand side of that document, can you see the date 22/10/2015 at 10.52?---22/10 which is a week - - -

One week later.--- - - - later.

And they say - - -.---I can't, I can't read.

40 It says they delivered a notice of proposed order number 1 under the EPA Act to Mr Nicolaos Kolovos. So what they're saying is that they came out to your place on 22 October, 2015 and delivered you a document. Can you recall them coming out to your place and delivering - - -?---They never deliver my place any document. They told me they was going to issue a document to Mr Roy.

Well, take a look at volume 8, page 30. See this document, it's addressed to you and up the top it says 23 October, 2015. Do you see that?---They – I haven't got any documents. If they send any documents they might send it to my daughter. I haven't received - - -

Have you seen this document before?---Hold on.

10 Do you recognise this document? Just scroll down to the bottom. I can take you through to the next page. You might recognise the next page. This is page 32 and you will see there's a few subtitles. The first is the use and then there's five bullet points and it says, "During an inspection on 15 October it was discovered that the premises are being used for the purposes of a waste management facility." So that's a week before and then you might be familiar with these words. There's another subheading that says period for compliance and then I want to draw your attention to non-compliance with the order. Can you just read that paragraph to yourself and tell me if that refreshes your memory about whether you've seen this document before?---The non-compliance, yes. They told me – first they told me face to face and then they send a letter.

So you have seen this document before?---Yes, I have seen that document.

20 So when they told you face-to-face, do you recall whether that was on the first or the second occasion?---I think was in my house at the first occasion.

Okay.---In front of my daughter and my wife. I think.

Okay. And you say that you received, well, how do you say you received this letter for the first time?---They told me original I mail, then I received a letter.

30 Okay. So did your daughter give you the letter? Did you receive it in the post? Did they hand-deliver it to you?---I cannot remember.

Okay. I'm going to take you to another note of Frank and Serge's, and this is at volume 8, page 49. And you'll see the date at the top. It says the 12<sup>th</sup> of the 11<sup>th</sup>, 2015 at 8.50am.---Yeah.

So this is the third time I say. And I'm just going to see if you can remember this occasion, because they've got a note about halfway down the page. And can you see where it says Nickolas? Sorry, count about five lines down from the top.---Yes.

40 And it's coming back up now. And you can see the year 1997. Can you see that? 1997? Just down, see where the mouse is now? It says 1997?---1997.

And it says, "Caution, as he," which I suggest is you, "made allegations that Cobra Bins imported fill into his property to utilise next to his dam." And then it says, "Nickolas stated that he asked them to bring the material in, concrete, et cetera, but not shit fibro." And then it says, "This took place at the time they moved in, approximately eight months ago, and Nick stated he needed to stabilise the driveway. Nick stated that this took place around 8

April, 2015.” Do you recall having that conversation with Frank and Serge?---I remember part of the conversation. I don't know what exactly what reads in here. I don't know understand exactly. When I levelled the second shed out with a, I think they're called grinder, whatever, to level her out to put the concrete, a lot of soil come out of my property. Also when I pull out the cages there were about two, three hundred posts with concrete, which I break it with a sledgehammer and I put on the end of, behind the shed, end of the driveway, if I could extend the driveway. When the concrete mixers come up, was raining.

10

Right.---And they make a big, big holes, which I did ask (not transcribable) Cobra Bin. We put some concrete slabs and some bricks to stabilise the ground.

Concrete, did you say slops or slabs?---Sorry, my English is not - - -

No, no. Might be my hearing. Concrete slabs?---Concrete pieces, whatever they had. I put all my concrete - - -

20 Yes?--- - - - in that, including, because for very many years I got, four side of the sheds, pipes.

Okay. But you say that instead of putting concrete and bricks there, well, maybe in addition to putting concrete and bricks there, they also put fibro there, is that - - -?---No, they did not. They never put anything fibro there. The fibro, they put it, the property (not transcribable) according to Frank, when they had the bins out of the shed they were leasing. I never put fibro in any other place of the property.

30 So when they came out, the fibro that they were referring to was where?--- Behind the shed they were leasing, they had stack of about 28 to 30 bins, one on top of the other. They found two pieces of fibro.

And how big were the pieces?---About that size? About two, two and a half inches long.

Okay. So Liverpool Council has now been out to your place three times. I just want to summarise. The first was the initial time on 15 October.---Yes.

40 And then you accepted that they came out again on 22 October.---Yes.

And then again on 12 November.---I don't remember that one.

So you don't remember walking around with them having this conversation?---I think they come. I'm not sure. I'm not sure what day it was.

Okay.---I'm not sure exactly what day it was.

You recall walking around with them. Do you recall them putting blue paint somewhere?---Yes.

Okay. And were you getting frustrated with the council coming out to your place all the time?---They haven't arrived more than three times or four.

All right. And did it annoy you that they kept coming out to your place?  
---No.

10

Can you recall when Cobra Bins left your property for good?---They start renting the shed late October, early November. But they left a lot of soil outside my property. Till about the 10<sup>th</sup>, 15<sup>th</sup> of January this year.

Okay. And what was happening with your discussions with Geta Skip between 15 January this year and a week before the council first came?  
---The week before the council the first time come - - -

20

Yes?--- - - - they was going to draw a lease. And I rung the agent to stop everything because the council will not permit. I gave the agent a copy of the letter later that I had from Frank, will be a fine \$110,000 a day.

Yes.---When Roy left, the agent and the two tenants come up again. They asked me if I can fill an application, develop application form to the council. My son help me put the details, my details, on the form. They took the form to fill out, I don't know where. Evening time they brought surveyor, draughtsman, I don't know what. I told them the council won't give a permit and they said, well, leave that up to us.

30

Who said leave it up to us?---Mr Ibrahim.

Okay. I'm going to take you now to volume 8, page 87. Do you recognise this document?---No, sir.

No. All right. Well, thank you. When you say that you got a surveyor in - -  
-?---They had.

They got a surveyor?---They got a surveyor in.

40

And do you know the surveyor's name?---No.

Was there an architect involved?---I have no idea.

I'm going to take you to the development application and ask you a few questions about it. Can the witness be shown volume 8, page, starting at 67. Have you seen this document before?---I've got my signature on.

Have you seen – do you recognise this document?---I can see the Bellfield Avenue, Rossmore. Only thing are my details which is my name and address.

Okay. Can you remember when you did that?---Approximate, approximate second week of December.

Okay. And go to page 75, please?---Approximate.

10 And you'll see your name there in the box where it says signatures, it's about two-thirds of the way down the page?---Put in the names, signatures, yes.

And it's got 25 November?---Yes.

And then over the page, page 76, do you recognise your signature there in the box that says signature?---Yes.

And it says 25 November, 2015?---Yes.

20 Does that refresh your memory about when you might've signed this document?---I can't remember.

Okay, all right. Can you see there's an email address there that says [REDACTED]?---Yes.

Do you know whose email address that is?---It's my son.

That's your son. I want you to turn back to page 67 now. And I want to focus your attention on the address details of the development. Is that your  
30 handwriting where it says "Belfield Avenue"?---No.

Do you know whose handwriting - - -?---It could be my son's.

That's your son's. All right. Where it says "Description of proposal" you'll see the words "Skip bin operation and disposal of waste", and there's a line striking those words out, do you see that?---Yes.

Do you recognise that handwriting?---No.

40 And next to that it says "Rural Supplies" that's in black pen?---I have no idea, sir.

You don't recognise whose handwriting - - -?---No.

- - - Rural Supplies is?---No.

And then it says on the third line "Skip bins"?---I don't know. I don't recognise it.

But it's not your son's, is that correct?---It's not my son's.

So is it fair to say that your son put the address in but then somebody else has gone in and put description of proposal and somebody else has written those words in that you don't know?---I don't know.

Well turn to page 74. Can you recognise – well first of all is any of the handwriting on this page your handwriting?---No. That's, that's my son. On  
10 the top is my son's.

And what about on the bottom?---No.

That's not your son's handwriting on the bottom?---No, it's not.

All right. Turn over to page 75. Is any of this your handwriting?---Yes.

What part?---The Kolovos.

20 Yes?---I've got Nick (not transcribable) is my son's writing. (not transcribable) is my son's writing, (not transcribable) my son's writing.

So which – Kolovos at the top, is that your writing?---Yeah. I think I put the name or he took over.

And then where it says "Print names", is that your handwriting?---No. It's my son's and he sign myself and wife's name.

Okay. So can you recall being with your son when this was filled out?---  
30 That page, yes.

And who was there?---My son, my wife and I.

Nobody else?---I don't recall.

So it's a possibility that other people might have been there?---I don't recall. I can't say yes or no. I can't recall.

Well, turn back to page 67.---It's my son's writing.  
40

Yes. Can you recall him writing that – being present when he wrote that?  
---The top part, yes.

Yeah. And was that top part written at the same time that - - -?---Not the DA. Hold on. (not transcribable) supply skip bins is not Tom's writing.

Yes, I understand that. You've given that evidence already but what I'm trying to explore with you is you've told the Commission that the person

that wrote Bellfield Avenue was your son.---That – his writing does not look like his writing.

So is your evidence now that - - -?---I can't - - -

- - - somebody else might have written Bellfield Avenue?---Maybe.

Maybe. Okay. Well, can you recall this form being filled out by anybody?  
---January this year - - -

10

Yes.---It's January. One of the two tenants he come back to me and he asked me to re-sign a piece of paper, my wife and I, because we forgot to sign it.

Can you recall which gentleman from – I'm presuming that's somebody from Geta Skip?---Yes.

All right. Was that Ibrahim?---Ibrahim.

20 Came back in January?---Yes.

And ask you to sign?---Yes. Your wife and – me and my wife we forgot to sign one page.

Okay. And was that the only time in January that Ibrahim has been to your place with a development application?---That probably was the last time.

30 That was the last time that Ibrahim has been to your place. Has he been previously?---They been with the agent when I gave him the application form. When I had the note from the council I call them back again. I called the agent and say that's it. They come back. They said sign – because I can't remember the very first time was sign for an application through the council. When we sign the paper the agent was there and I said the council won't get it through. They said, they said – I can't remember exact, exact word, it's we take care of that. Something like that.

Who said we take care of that?---Mr Ibrahim.

40 And that was the first time that you gave him – so sorry, I just want to get the sequence of events right.---I cannot remember was the first or second. The first time we had no application form. Was going to draw a lease between the agent and I because I thought that council will permit it.

Okay.---When the council said no well, we fill up an application which I don't think they put it in the council before Christmas.

Okay. Did you give a blank application to Ibrahim to fill out?---Only our names and the, the, the details of the – the name and address.

So you put the names and address on the development application, gave it to Ibrahim?---Both of them.

Both of them.---And the agent. I gave to the agent.

And the agent was there as well?---The agent was there.

10 And then they've come back once and said - - -?---After Christmas - - -

After Christmas.--- - - - they come back and said you haven't signed a piece of paper, you and your wife got to sign this piece of paper because missing from the application form.

So two times. One is you fill it out, you give it to Ibrahim and then he comes back and asks for a signature?---I gave to the agent - - -

Yes.--- - - - front of the two tenants.

20 Yes. So you gave it to the agent and then the agent gave it to - - -?---The three – the four of us were there.

The four of you were there. Okay.---When they said they going to – we, we will try to get it through. I said I don't trust bloody Lebs because they were Lebanese as I had burnout from the other people.

Yes.---I said unless I got a stamp of approval from the council you not go ahead.

30 Okay. So you'd had a bad experience with Lebs in relation to one shed and you wanted to avoid having a similar experience with - - -?  
---Well, I said unless I get in writing from the council.

All right. Can you have a look at page 68 of volume 8? There's two fields at the top and the first one says factory. And it says, "What is the current or last known use?" And it says, "Eggs and chicken."---And what's that?

40 Well, I'm about to ask you. Do you recall that being on the form when you gave it to the agent?---No, it wasn't. The eggs, we never had factory for chicken. It was poultry farm and we only had eggs.

Okay. Do you know what happened to your development application?---I haven't got it back. They call me once from Liverpool, (not transcribable) from the Liverpool, I think, was developing. And she asked me why, we have to do, what I have to do in the sheds to spend \$100,000. And I said, "I have no idea. I gave the tenants, they put an application to the council to put skip bins." She said she will put the application through the council.

All right. I'm going to ask you to have a look at another document, which is volume 15, page 280. This is a letter addressed to you and it's titled "Rejection of development application". And you'll see the date at the top right-hand corner as being 14 January, 2016.---Yes.

Can you recall seeing this letter before?---Yes.

Was this after you received the phone call from the lady at the council?  
---Yes.

10

What was your reaction to getting this letter?---I wasn't surprised because they told me on the phone. And they sent me the U form before, RU4. And Frank explained to me I cannot use anything else except poultry.

So you weren't surprised when the letter arrived because it had already been explained to you that you couldn't use the land for what it said in the development application?---Yes. But the people ask me, can you fill out the application. And we try.

20

All right. You said you had a conversation with the lady from the council and you also had a conversation with Frank. And both of them expressed some concern with using the property for what you wanted to use it for in the development application.---The lady from the council didn't explain to me.

Okay.---She only asked me what - - -

She asked you, okay.--- - - - I have to do. And I said to her, "Absolutely nothing on the sheds."

30

Yes.---What they got to do, the tenants, they looking to put equipment in the shed.

Okay. But Frank explained to you the reasons why it got rejected?  
---Because the property supposed to be only for agriculture. Also he told my daughter, "Your father can ask for special consideration."

Okay.---Because the sheds were there.

40

Okay. What came first in the point in time? Was it the conversation with the lady from the council or this conversation you're speaking about with Frank?---Frank was the conversation first.

Yes. And can you recall if that was after Christmas or before Christmas?---I can't recall exactly. I think it was the first time that Frank come or, I can't remember, sorry.

All right.---Because he talk to my daughter.

Okay. Was it before you put the development application in that you talked to Frank and Frank talked to your daughter?---Possibly after.

Possibly after. When you had the conversation with the lady from the council, did you ring up Ibrahim or somebody else from Geta Skip?---I can't remember. I probably rang the agent. I can't remember if I rang Ibrahim at all, if the council reject it, or never talk to Ibrahim, never. I used to call skip bins, whatever they call them, and ask for (not transcribable) to give me a call back. I can't remember exactly. I haven't talked to Ibrahim direct at all.

Did you – can you recall the conversation with Ibrahim or Abdul or anybody else from Geta Skip in relation to the rejection of the development - - -?---I think I talk to the agent.

And after 14 January, 2016 which is the date of the rejection letter did you make any further attempts to - - -?---I don't remember. My daughter rang the, the senior deputy what happen the development after Frank suggest to my daughter to ask for special consideration and Frank said –sorry, the, the developer he said no, the property is only for rural.

Are you aware that – well, I'm going to tell you that the Commission has phone recordings from Mr Izzard's phone and - - -?---From Mr?

From Craig's phone, from Craig Izzard's phone.---Yes.

Do you know who Craig Izzard is?---Yes.

And I'm going to play you a recording.---Okay.

And I'm going to ask you some questions about a conversation had in this recording.---Okay.

Can the witness be played call 1-8-9-5 of 9 November, 2015.

**AUDIO RECORDING PLAYED**

**[11.12am]**

40 THE WITNESS: Can you - - -

MR MACK: Turn it up. Can you just pause. I'll just see if we can get some more volume and then I'll restart the call from the start. It's also – the transcript is being put up on the screen but if it's easier for you to listen just listen and don't try and follow it and I'll come back to the transcript after the call.

MR MACK: Mr Kolovos, I'm going to ask you a few questions in relation to that phone call. But before I do, I'm going to ask you some questions in relation to a compulsory examination that you gave to the Commission. Do you remember sitting in this room previously with the Commission?---Yes.

10 And giving evidence? All right. Well, can you recall being asked, "Did you speak to anyone else at council?" And you answered, "The only person I spoke to was a fellow, my local member of council. His name is Peter Harle." Do you accept that you also spoke to Mr Izzard?---Yes.

Would that be another person from council that you spoke to?---That day, Mr Izzard, which I honest say, honest, I'm surprised. I can't remember that call. I remember two gentlemen coming to the property. On the way out one of them asked me, "Are you Helen's father?"

20 Yes?---I said "Yes. How you know this?" Helen's property, my property. He said, "You have to go down to two doors away to (not transcribable)." (not transcribable). I'm saying again, I cannot, I cannot recall this conversation. I cannot recall. On 13 November I asked my daughter. She called me to wish happy birthday and I ask her. I don't know what's happening with the Council, the tenants left and I've got a lot of rubbish there, I'm frustrated. Can you ask, oh, God, (not transcribable) Eric. Can you ask Eric, please, if he knows anything about it?

30 Who's Eric?---Eric is – I thought he works with the Council or EPA. Eric call me on 13 November. I asked him what is going on. He said "I have no idea, ring my boss, Craig". I put my hand on the Bible before, I say I could not remember the conversation I had with Mr Izzard. I rang up the number, I said, "Nick Kolovos. It's my birthday today (not transcribable) birthday today, I can shout you a cup of coffee". The man on the other line said "I'm not a coffee drinker, I'm a beer drinker".

All right. I'll just stop you there. You're talking about a conversation on 13 November?---13 November.

40 And the conversation I just played you was from 9 November?---I cannot, I swear to God, I put my hand on the Bible, I could not remember that conversation on my call.

You could not remember the conversation on 9 November at the time you gave your previous evidence, is that what you're telling the Commission?---Yes.

Okay. Can you remember that conversation now?---Well you've got it down on the tape. I still cannot remember. I cannot recall.

But you accept that's your voice?---Yeah. It is my voice.

And you recall – do you recall speaking – do you recall having that conversation?---I cannot recall. As I said, I'm not trying to – I cannot recall.

Well in your compulsory examination you were asked "Do you know a person called Craig Izzard"? And you said "I haven't heard. He might come into my property but he never come up. And I say I'm such and such, I  
10 don't think so, I can't remember"?---Can't remember.

Well Mr Kolovos, I want you to think about the answers you're giving. Your compulsory examination was on 21 July, 2016. And what I think you were telling the Commission before is that you remember having a conversation on 13 November with Mr Izzard but on 21 when you had your compulsory examination you couldn't remember if you even knew - - -?---I cannot remember, sir.

Well can you remember now if you know Mr Izzard?---I still I can't  
20 remember the call.

All right. Well putting aside the call, do you know Mr Izzard?---I met him, I think with his partner on the property. His partner talked to me and I rang – he, his partner rang me. I spoke to Mr Izzard on 13 November which was my birthday.

And when did Mr Izzard come to your property?---I cannot recall.

Was it before Frank and Serge and all the other - - -?---No. Come after,  
30 after Frank and Sergio.

Why didn't you tell the Commission that on 21 July?---I, I 11.2449 (not transcribable) who the people were. Because I said a lot of people come from the Council. These people they come in, they had a look, they left. The first thing I did was (not transcribable) Frank and Sergio said "They will take over the case for the Council". And other people come in. I rang Frank, I rang Frank and I said I had unexpected visit from not Mr Izzard name, sorry, my mind go, from my daughter's friend. Okay. He said "What they want now? They got no business there"? I said "I don't know, they  
40 probably come for a friendly visit". Because they never, they never – I didn't know (not transcribable) they were, were there. I thought they worked for - - -

Well how did you get - - -?--- - - - the EPA or the Council.

How did you get Mr Izzard's number?---His partner gave me the number.

Sorry?---His partner Eric. He called me. He gave me Izzard's number.

And what did Eric say to you about what would happen if you called Izzard?--He said I have, I ask him, "What's going on with Liverpool Council?" Because the people moved out. The soil back of my property, I didn't know what's happening. I thought he was working for the council. I asked him, said, "I have no idea. You better ring my boss." I rang the boss.

10 All right. Well, I'll take you to a few parts of that conversation, the telephone conversation. And at page 4, you'll see at the third extract there it says, and you ask the question, "Anything happen to the other people? As they were supposed to put the application through." Can you see that?  
---Yeah.

Well, who are you referring to with the other people?--Well, I had, I had people that come up to put an application through to lease the property for cars. I gave - - -

20 Lease the property for - - -?---Two people come up and they said, "Can we lease the property?"

Is this Ibrahim and - - -?---I accept Ibrahim. Someone else come up.

Somebody else come up?---Someone else. To lease the property. To put cars in containers, send them overseas.

Right.---And I had another people to put traffic lights they were interested to put in the shed, which I got a rejection from Frank.

30 So you're now telling the Commission that somebody other than Geta Skip had approached you - - -?---Yes.

- - - to put cars and traffic lights - - -?---If I can lease the shed to them. My daughter rang Frank and Frank said, "I chase them out of one property. Why should let them go to your father's property. No."

So, well, okay, just pausing there. Who were the people who wanted to store cars in your shed?---They came through an agent again.

40 Sorry?---They come, an agent rang me. Same agent rang me. We got two people to lease the sheds to put cars they buy from auction, put them in bins, containers, and send them overseas. My daughter been in touch with Frank.

All right. When you say two people - - -?---Father and son.

Father and son. So working together?---Yeah.

They wanted to use one of your sheds to store cars?---They ask for both. They were not far away from my property and Frank told me at the time he was chased them out and they're going to court.

Frank told you that he'd chased these people who wanted to store cars - - -? ---When knew was around the corner.

Frank had chased them out of your property?---No.

10 Or out of their property?---From another property.

And why did Frank chase them out?---Because was illegal, I think.

It was illegal to store cars?---I'm not, I haven't got knowledge. I just knew. I asked Frank, "Why have you (not transcribable)?" He said, "They're going to court. They're going to court."

But you don't know their names, the father and son?---No.

20 But your agent would know?---Sorry? Agent, yeah, the agent should. Frank should know. The agent should know.

So if we asked your agent and Frank, they'd be able to give us the names of these people?---Yes.

And it definitely wasn't Ibrahim or Abdul?---No, no. It wasn't - - -

Or Habib?---They were Lebanese too. They were Lebanese.

30 Well, how do you say – is it your evidence that the father and son put a development application in?---They asked me to get a development application for them.

So there's now two development applications. There's one that Ibrahim's filling out and there's one that the father and son are filling out.---When Ibrahim finished, when Ibrahim finished, one or two weeks later other people come through the agent. Same agent.

40 What do you mean when Ibrahim finished?---When the council said you cannot lease the sheds, they're gone.

Well, they didn't reject your application until January 2016. After January, some other people ask me to sign an application - - -

This conversation with Mr Izzard took place on 9 November, 2015.---I cannot recall, sir.

Your Honour, I note the time. I also note that I don't have any issue with the witness speaking with his legal representative if he wants to get some advice over the morning break.

ASSISTANT COMMISSIONER: Yes. Thank you.

**SHORT ADJOURNMENT**

**[11.31am]**

10

ASSISTANT COMMISSIONER: Mr Kolovos, you're still under the same oath to tell the truth.---Thank you, sir.

Thank you.

MR MACK: Commissioner, before the break you'll recall that I made reference to a compulsory examination of Mr Kolovos on 21 July, 2016. What I neglected to do was ask that a suppression order in relation to that be lifted before I started making reference to it.

20

ASSISTANT COMMISSIONER: Yes. I make that order of lifting the suppression order. Thank you.

**VARIATION OF A SUPPRESSION ORDER - ASSISTANT COMMISSIONER VARIES THE SUPPRESSION ORDER OVER EVIDENCE GIVEN BY NICOLAOS KOLOVOS AT A COMPULSORY EXAMINATION HELD ON 21 JULY 2016**

30

MR MACK: I first of all want to take Mr Kolovos to a particular part of that transcript from the compulsory examination and I ask that the witness be shown page 117 starting at about line 18 and there's a question from Mr Bartlett, Mr Kolovos. Can you see that, it says, "Mr Bartlett: Do you know of anyone who was helping Abdul or Habib into make the lease" – sorry, I'll start again. "Do you know of anyone who was helping Abdul and Habib make the development application to the council?" And you answered, "I have no idea." And then, "Okay." And said, "I don't know." And then a question is asked, "Do you know of a person called Craig Izzard?" And you say, "I haven't heard. He might come into my property but he never come up and I say I'm such and such. I don't think so. I can't remember." And then next question is, "Did you speak to people on the phone about this issue around that time that you haven't given evidence about so far?" And the answer you give is, "No." Your evidence, "No. With the problems I had I spoke to council. I tried to ring Frank Bono before the tenants, the first tenants left. I rang him up to find out what's happening 'cause they still had soil and had to test it", et cetera. Is there anything you wish to tell the Commission in relation to that statement?---I

40

have to apologise because I get the truth whatever punishment but I was scared. Despite the insurance I am still scared. I've been asked if I know Mr Izzard. Mr Izzard and another fellow with a name – sorry, his partner they coming to the property - - -

ASSISTANT COMMISSIONER: Is this Eric?---Eric. Yes, they come to the property. They had a look and when they come back I was in my little shed. We sit down. We had just a general talk and then I rang Mr Abdul.

10 MR PATTERSON: Commissioner, could I ask that the witness speak closer to the microphone. I'm having great difficulty hearing him.

ASSISTANT COMMISSIONER: Ah hmm.--I think I rang or Mr Abdul came to the property and I told him I had a visit off Mr Izzard and Eric. They didn't told me direct he was helping them to get the lease through the council. When I told them the council reject, they won't get it through they said don't worry about it, this is (not transcribable) problem. We – not exactly what problem is. We take care of that or something like that. Honestly I cannot remember I had a conversation with Mr Izzard. I don't  
20 remember. I can hear on the tape still I cannot remember. Is spoke to him a little bit later after I ask my daughter to get the form. I ask Eric what is happening because I still thought they're working with the council and Eric gave me, gave me a call. He gave Mr Izzard's number. I ring up and I remember I said, "It's my birthday today. I can shout you a Greek cup of coffee."

What's the date of your birthday?---13/11/41. The person on the other line said, "I'm not drinking coffee. I'm a beer drinker." And then, "Sorry, I'm on a call, another call." I ask him what's happening. He said, "I'm on  
30 another call." He hung up. About half an hour/an hour later I had a phone call from someone with a very, very deep voice, "Why you call this person? Who gave you their number?" I cannot remember if Mr Izzard or his partner left their card. I cannot remember. The only thing on, on that day I ask my daughter to ask Eric if he knows anything. He call me and Eric gave me the number to ring Mr Izzard. What I said before is – usually I say the word I'm still alive and kicking and I haven't got your money. That's a common word I say. I cannot remember names. I got a problem. If – when the council, council reject the application Mr Ibrahim said we take care of that and honestly people with money and people if they dealing (not  
40 transcribable) business I was scared. That's the only thing I can say.

MR MACK: Has anybody ever threatened you, Mr Kolovos?---Direct, no.

Indirectly?---With what's going around living in the area which they're all Lebanese around. And you hear this and that. Today they shoot him, they shoot her, they do this and that. I cannot (not transcribable) of Lebanese. I live in an area which they're all around me.

Okay. Were you scared, and you scared, were you scared of Mr Izzard?---I don't know. Just had the feeling people with money and business if they're going through – to do monkey business (not transcribable). Okay. They won't stop with anything.

Okay. When you told the Commission before we adjourned about an application, development application from a father and son that wanted to store cars, was that truthful evidence?---I think I put it in, yes.

10 So that's the truth?---Yes. I got application in my bag. They brought application, my son filled it out and I did not gave the rent, because I said "I don't want anybody". They didn't put any names, anything on it. But Franks knows them and the agent sent them.

And did you discuss a development application with – I'll take you back to when Eric and Craig came to your place. Did you discuss with Craig or Eric or both of them - - -?---I can't remember. I don't think we had that discussion about this. I can't remember. But I can't understand why Frank was handling the business, why two other people come in? That's what I rang Frank.  
20

ASSISTANT COMMISSIONER: Did you say that the father and son when they came that that was in January after Christmas?---Possibly later, March, April.

Of this year?---Of this year.

Okay?---They, they were on a property that at (not transcribable) Road at Badgerys Creek.  
30

But that wasn't until March or April this year?---Yes.

Okay.

MR MACK: I'm going to take you back to where I took you before in the transcript of the telephone call of 9 November, 2015. And I'm going to ask you again who you meant when you said "Anything happened to the other people as they were supposed to put the application through"?---Maybe, maybe missed out Geta Skip.  
40

Geta Skip, okay?---Yeah.

And then so your evidence now is that anything happened to the other people is a reference to maybe Abdul, maybe Ibrahim, maybe somebody from Geta Skip?---From Geta Skip.

From Geta Skip, okay. And at the bottom of the page that's in front of you now, it says "And I thought you was going to have a talk with someone. I

thought you knew someone in there". Is that – did you think that Mr Izzard knew somebody in Council in relation to Geta Skip's application?---Geta Skip, I thought Geta Skip, they got someone, I don't know of course, Mr Izzard or someone in the Council. I don't know.

But you thought it might've been Mr Izzard?---I don't know.

10 Did you think that Mr Izzard was going to talk to someone in the Council in relation to the development application?---According to Mr Ibrahim they had someone to help them fill out the forms and someone to get it through.

And at page 5, when you say "Ask them what they did if they did put an application or I don't know. I haven't because they came last Monday here with the agent". That's a reference to the people from Geta Skip coming to your property with the agent the previous Monday?---Yes.

20 Yes. Okay. Thank you. Over the page, on page 6, it says, "But they didn't," in reference to an application being put in. And then it says, "Anyway, Mr Bill told me he was going to try to put an application to the council, and maybe with a bit of your help or somebody else's, they know to get the approval."---Mr Bill?

Mr Bill. Do you know who Mr Bill is? Is that not transcribed correctly or can you - - -?---No. Mr Habib or I did not – I don't know who Mr Bill.

Okay.---Mr Bill was a fellow who was working for Mr Roy.

30 All right. I might just have the recording played back to you. And if - - -  
---No.

- - - we stop it at that part and you can tell us whose name you said, because I think that the person who's writing this down might have heard your voice incorrectly. It just might take a bit of time to find the correct location.

#### **AUDIO RECORDING PLAYED**

**[12.11pm]**

40 MR MACK: Can we stop there? Can you hear if you said Mr and then a name?---Could be Mr Habib.

Mr Habib? It could be Mr - - -?---Because I used to call, even last time I come here, said I think his name was Mr Habib.

Okay.---And they told me Ibrahim.

All right. Thank you. The next passage, you say, "To have everything inside the shed. It's insulated shed. There it's bloody panels, not much

noise. Nothing, no rubbish. Those people that you saw, they had bloody bins and bins and bins outside till I start to get to the, excuse me, I had the shits and I told them I want the rubbish out of my property.” Is that a reference to Mr Izzard seeing the shed where Cobra Bins was?---He saw, yeah, they were still there.

Right. And did you think that Mr Izzard could help evict those people?  
---No. I thought he was working for Liverpool Council. And for some reason was a break between communication between me and Mr Frank.

10

Okay. So you recall showing Mr Izzard the shed where Cobra Bins was?  
---I did show. He walk up the back.

Were you there when he walked up the back?---No, I wasn't there.

Was Eric with him?---Eric was with him.

Was Eric with him the whole time he was at your place?---I'm not sure if they were together up the back, but when they come up to my little shed,  
20 yes.

Was there any part during their visit where it was just yourself and Mr Izzard talking to each without Eric there?---No, they're together.

And then the next thing you say is, “Now they're trying to clean everything from outside and put them inside the shed. Even they ask me – I told you they asked me to rent out the other shed and I said, ‘No, not before I get the approval’.” And Mr Izzard says, “Yeah, yeah, be very careful.” And then you say this, “Yeah. No, no. I haven't got your money and I'm not – I  
30 getting the dole. I don't want to be in gaol”.---I've been threatened by Liverpool Council \$110,000 fine. That may be the comment. I'm not rich to pay the fine because I've been warned by Liverpool Council in they call VENM and in writing if I put someone in without an approval and that's a comment that – it's a stupid comment. I say I haven't got your money to pay for the fines.

So did you think that Mr Izzard wanted money from you for fines?---No way. No way. Never. That comment is something I said before I use the word I'm still alive and kicking and I haven't got your money but on this  
40 specific time was the council told me \$110,000 a day fine and I would not let anybody go in to pay the money for the fine. In this particular time that, that's what it was.

ASSISTANT COMMISSIONER: But you hadn't been fined had you?  
---No.

No.---But I've been - - -

So there was no fine.---I've been warned.

Yes, but there was no fine.---If I let someone in – these people they try to bring – they brought their, their packer to do paper, press paper, paper. They brought concrete to do around the shed. They thought they will get the lease and I said I'm not let anybody in before I get the stamp of approval from the council. That's what that comment was. I haven't got his money to pay the fines.

10 MR MACK: You haven't got whose money?---I mean I'm not rich.

Well, whose money don't you have?---Anyone's money. I'm not rick to pay \$110,000 to the council.

That's not true is it?---It is.

What you meant when you said that was Mr Izzard, I haven't got money for your personally.---No, sir. Never ever. He never ask me for any money. We never talk private anywhere else. I couldn't even remember that  
20 conversation I say and I'm not trying to avoid. I said I cannot remember.

Did you ever expect any money from Mr Izzard?---Never.

All right. Before you said that you recall a conversation on 13 November, 2015 - - -.---Yes.

- - - where you offered Mr Izzard a cup of coffee. Do you recall saying that?---Yeah.

30 Do you recall speaking to Ibrahim or Abdul or somebody from Geta Skip about offering Mr Izzard a cup of coffee?---Someone call me, call me.

Yes.---And he – his voice was like a threat.

Yes.---Who gave you the permission whatever to talk to this person, how you got the number? And I said, "Eric gave me the number." Maybe, I cannot recall, I cannot recall, maybe I rang one of the skip bins, maybe. I cannot remember. Maybe I did. Maybe - - -

40 Well, your evidence before was that after Craig and Eric left your place you rang somebody from the skip bin company and they said that Craig was the person that was helping you out with the lease. Is that correct?---I said they've been, they've been here.

They've been here?---Yeah. I didn't knew they were helping. I did not know - - -

No, but they told you that Craig was helping.---No. They said they will get – they got someone to help them. They never mentioned a name. They did not say this person or this person will help us to go through.

Well, did you suspect it was Craig?---I didn't invite him to my property. Frank from the council knew nothing. I don't know who - - -

But that's not what - - -?--- - - - invite them.

10 Mr Kolovos, before you told the Commission that after Eric and Craig left, you rang somebody from Geta Skip and you told them that Craig and Eric had just been to your property. And then they said to you they are the people who are helping with the application.---They did not say direct they are the people. I can't remember they said that. I had a suspicion.

And did you have that suspicion during the phone call, before the phone call or after the phone call?---Even now.

20 And why do you have that suspicion?---Because as I said before, I didn't invite them. The council had no idea they come over. And these people, they had someone to help them. They did not say direct, “Is this person helping us?” They told me they got someone to get that through.

And what I'm trying to explore with you now is in this conversation you had with a person from Geta Skip, did they ever mention giving a cup of coffee to Mr Izzard or to somebody from the council?---I can't remember.

30 Okay.---I think I rung them. I had a visit. I had a visit from these two people. I can't remember if the conversation continue or stop. I can't remember.

When you say cup of coffee, do you know if that means anything else besides - - -?---No, sir.

- - - a cup of coffee?---I'm straight. I said a Greek cup of coffee. It was my birthday.

40 And why would you ring Mr Izzard on your birthday?---Because I was, I got health problems. I got some health problems.

Yes.---I was frustrated. The Cobra Bins, they empty the shed. Rubbish outside my property. I rung Frank Bono and Sergio answer the phone. Frank, he's extreme busy. He will call you back in half an hour, three quarter of an hour. And he hasn't reply my call yet till they arrive around January, middle January, after the property was clean up by Cobra Bins, to inspect it.

Do you recall earlier today I took you through every occasion when Frank and Serge came out to your property?---Yes.

And one of those occasions was on 12 November, 2015.---Yes.

And you say your birthday is on 13 November, 2015.---13, yes.

Do you want me to take you back to what happened on 12 November, 2015?---Please do.

10

All right. Well, I'll take you to volume 8, page 49. And you'll see the date at the top. It says 12 November, 2015.---Yes.

And you recall me taking you to where it says 1997?---Before, yes.

20

And it says, "Caution as he made allegations that Cobra Bins imported fill into his property to utilise his dam." And then I took you over the page and the second paragraph on page 107 starts, "Bill from Cobra Bins is the person Nick spoke to regarding the imported fill, at 9.15am on this day, being Thursday, 12 November, 2015. Myself and officer Bono marked in blue paint a large section of described property as fibro substances were found on the site." So you recall what happened on 12 November. Frank and Serge came out and put some blue paint on your site. You recall that happening?---Yes.

And I asked you whether or not you were annoyed with Council officers always coming out to your property?---Never.

30

And you said "No, you weren't annoyed"?---No, I wasn't.

Well the next day which happened to be your birthday?---Yes.

You rang Mr Izzard?---Yes.

40

And now I'm trying to explore with you why did you ring Mr Izzard?---The property was, the shed was vacant about two or three weeks before. Even the day Mr Frank and Mr Sergio come up I had no answer when they're going to pick up that rubbish. It's the skip bin, I mean, sorry, it's the Cobra clean up the property. I had no idea how the system work.

So you thought that Craig or Mr Izzard could - - -?---Only I thought he was working for Liverpool Council and I asked if he knew what is happening?

Well I will play you that phone call now. And we'll have a discussion about it. This is phone call 2008, 13 November, 2015.

**AUDIO RECORDING PLAYED**

**[12.27pm]**

MR MACK: Did Mr Izzard ever ring you back?---No.

Did anybody else call you soon after that call?---Yes.

Well, who called you soon after that call?---I haven't no name. Someone call me back. They say, "Why you call this person?"

Yes.---"Never, ever call this person again." That was a threat.

10

And did that person also call you after the first time you spoke to Mr Izzard?---The second time.

Only the second time. So before I think your evidence was that you called Mr Izzard on your birthday because you wanted to find out what was happening.---Yes.

20

Yes. But that's not true, though, is it? You wanted Mr Izzard's help.---To find out. Only to find out. Because I ask Frank and Mr Sergio to lift the bricks one by one and put them in the bins, back again in the bins, where this Cobra Bins are pay for and they bought them and they drop them on my property.

So you wanted Mr Izzard to come out and help move some bricks?---No.

30

What did you want Mr Izzard to do?---I ask – Frank wouldn't let me go. So what can I do? I need opinion. I didn't want them to come and lift. I didn't want (not transcribable). I just want an opinion. I thought he was working with the Liverpool Council.

You thought he was working inside Liverpool Council?---In the council as Liverpool inspector.

And he could - - ?---Just let me know what can I do. Because they told me, "Do not touch the bricks." And I wonder if I can put them back in Cobra Bins because they dropped it there.

40

That's not true, though, is it? You wanted Mr Izzard to somehow - - - ---No.

- - - fix up your problems you were having - - -.---No, no.

- - - with Frank and Serge.---No, no. I only wanted an opinion.

Only wanted an opinion?---Yes.

That's not true, is it?---It is.

You thought that Mr Izzard would be able to somehow trump what Serge and Frank told you previously.---No, sir. Only an opinion. What can I do?

Did you want Mr Izzard to put pressure on Frank?---No.

So when you say help, you mean opinion?---Yes. If I can lift the bricks and put them in the bin before Cobra Bins go, because they had rubbish there.

10 We'll go to page 6 of the transcript. And the bottom line says, "They said your fellow's going to lease." Who's "your fellow"?---Mr Habib and Mr Ibrahim.

So Mr Habib and Mr Ibrahim were Mr Izzard's fellows? Is that correct?---I reckon so.

What do you mean by being his fellows?---Because they told me they got someone in the council to pass. They did not say the name Izzard.

20 How many times have you spoken to Mr Habib and Mr Ibrahim about Mr Izzard?---About Mr Izzard.

Yes. I'll ask the question again. Have you spoken to Mr Ibrahim about Mr Izzard?---I don't think – maybe once.

And when was that?---When they coming to the property the first time.

When Mr Ibrahim came to the property the first time the week before the council turned up for the first time?---No, hold on, hold on, hold on.

30 Sorry, I'm confusing you.---Hold on.

Let's take that slowly.---I'm a bit.

You just said that you might have had one conversation with Mr Ibrahim when you discussed Mr Izzard. Is that correct?---Who's Mr Izzard.

40 This is Mr Izzard, Craig. I can refer to him as Craig.---Sorry, sorry. I'm sorry. I beg your pardon. Maybe I had one or two conversation but whatever we had we had front of the agent. They say they got someone to help. They did not say the name. I had a suspicion because two people come to the property uninvited and they didn't ask me what I did this, why I did this, why I did this, that.

But they said that there was a council fellow or somebody from the council who might be able to assist?---Someone will help them to fill up the application and the second time they come to fill up the fellow – them

fellow said was one page missing with the signatures. That must be the council or somebody else who knew about it. I don't know.

But why did you think it was Craig?---I didn't say it was Craig.

Well, you said that you suspected that the person - - -?---I suspected because he come the first time, he come the first time. I rang Frank and Frank said what the hell they doing there.

10 All right. Commissioner, I tender those two phone calls. I'll just get the references for the transcript. It's telephone call of 9 November, 2015 1-8-9-5 and a telephone call of 13/11/2015 number 2-0-0-8.

ASSISTANT COMMISSIONER: Exhibit 22.

**#EXHIBIT S22 – TRANSCRIPT SESSIONS 1895 AND 2008**

20 MR MACK: I have no further questions for this witness.

ASSISTANT COMMISSIONER: Yes. Mr Willis?

MR WILLIS: I have no questions, thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Has anyone else apart from Mr Patterson got any questions? Mr Patterson.

30 MR PATTERSON: Thank you, Commissioner. Mr Kolovos, my name is Patterson and I represent Mr Izzard. I just want to take you back to the time that Mr Izzard came to your property.---Yes.

He was accompanied by Mr Ryffel. Is that correct?---I think (not transcribable) that name.

Eric Ryffel?---Yes.

Yes. That was the only occasion that Mr Izzard came to your property. Is that not so?---Yes. I think, yes.

40

And do you – I want to put it to you that Mr Izzard said that he was there in response to a report of illegal dumping. Is that not correct?---I cannot remember say that.

Possible?---It's possible.

And I think you said earlier that in your discussions with Mr Izzard that was always in company with Eric. That is you never spoke to Mr Izzard alone?

---One time he come up by - two together. First time they come together. When I spoke to him on the phone I didn't know he was on the other side.

I'm not talking about the phone discussion I'm talking about - - -?---Only once they come on my property.

And when Mr Izzard spoke to you that was always in the presence of Eric?--  
-Yes.

10 And I think you said earlier that you were under the impression that Mr Izzard worked for Liverpool City Council, is that correct?---Yes.

And when Mr Izzard came to your property with Eric, he gave you his business card, did he not?---I can't remember.

It's possible that he gave you his business card?---It's possible.

20 And I think is it the case in the course of your discussion with Mr Izzard you told him that Bono and – that Frank Bono and Sergio Luna had been to the site?---Yes.

And I want to put it to you that Mr Izzard then said words to the effect that he would be taking no further action if Liverpool Council rangers were involved, is that correct?---I cannot remember.

Is it possible that he said to you words to that effect?---I can't remember.

30 Now after the telephone conversation you had with Mr Izzard you said that somebody rang you and said in a deep voice "How did you get the number"?---Yes.

That wasn't Mr Izzard was it?---No.

In the first – in each of those telephone conversations that were played to you would you agree with me that you telephoned Mr Izzard, he did not telephone you?---I did.

40 Do you know if Mr Izzard phoned Frank Bono after he left your property, that is after Mr Izzard - - -?---No idea.

- - - and Mr Ryffel left?---I don't know.

You don't know. You said that you were scared?---Yes.

Was that because you were scared of being fined?---No.

Well then why were you scared?---The Liverpool Council inspector said they will find Cobra Bin are not responsible I should sue the real estate

agent for not searching through Liverpool Council. What I was scared of, someone rang me after the conversation with a voice, why call and never call again this person and that was like a threatened telephone.

Mr Izzard never threatened you, did he?---No, he did not.

You had no reason to be scared of Mr Izzard?---No.

10 It was put to you by Counsel Assisting that in the course of your discussion with Mr Izzard you offered a cup of coffee?---Yes.

Did you also offer a cup of coffee to Mr Bono?---In my house in front of my wife and my daughter. They come into the house to read the list. We offer them a cup of coffee, they refused, they asked for a glass of water.

Can I suggest to you that on the occasion that Mr Izzard and Eric came to your property - - -?---Yes.

20 - - - you offered them some home brew?---It was whiskey.

Whiskey?---Yeah.

Made by you?---I put only cloves in to make different taste.

Did Mr Izzard ever threaten you?---Never.

30 You said that according to Mr Ibrahim they had someone to fill out the DA form and someone to get it through. Was it your understanding that was someone in the council?---They told me them man would put it through the council. And they were 90 per cent, I should say more, confident they will get it through.

That was someone in the council?---I have no idea.

Could it have been Mr Bono?---I don't think so. I don't think so. I don't know.

And you don't know that it was Mr Izzard, do you?---I don't know.

40 Did Mr Izzard ever ask you for money?---Never.

Did anybody ever ask you for money on Mr Izzard's behalf?---Never.

And you never gave Mr Izzard any money?---Never.

And you never gave anyone any money to be paid to Mr Izzard?---To no-one.

Thank you, Commissioner. I have no further questions.

ASSISTANT COMMISSIONER: Anything arising?

MR MACK: Just three things arising, Commissioner. When you offered Eric and Craig whiskey, did they accept?---No.

10 All right. I'm going to show you a photo of volume 15, page 7. And I'm going to ask you if you know the person in the photo. Do you recognise that person?---I don't think so. No.

And just finally, in relation to the call you received from somebody with a deep voice, after speaking to Mr Izzard, did you receive that on the phone number that you had just caught Mr Izzard on?---I'd say 90 per cent – I can't remember. I had the phone, well, I rung – I can't remember. I can't remember.

20 Can you recall speaking to Mr Izzard on a mobile or on a landline?---He call me?

Sorry, you called Mr Izzard twice.---Call him.

Do you have a mobile phone?---I do have a mobile phone.

Did you use that mobile phone to - - -?---I can't remember.

- - - call Craig on your birthday?---I can't remember.

30 MR PATTERSON: Commissioner, I object to this. This doesn't arise in re-examination. These things should have been put.

ASSISTANT COMMISSIONER: Well, I'll allow you to ask any further questions if there's a problem. Yes?

MR MACK: Did you call Craig from your mobile telephone?---I cannot remember.

40 Do you have a landline at home?---I do have a landline. Usually I don't use the home line if – I can't remember.

Okay. All right.---You've got the right to search the telephone. I can't remember.

Thank you, Mr Kolovos. They're all the questions I have for you.

ASSISTANT COMMISSIONER: Is there anything, Mr Patterson?

MR PATTERSON: Pardon me, Commissioner. No questions, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Thank you, Mr Kolovos. You can step down. You're excused if you'd like to leave.

THE WITNESS: Your Honour, I do apologise. What I said, I'm still scared.

10 ASSISTANT COMMISSIONER: Thank you. You can step down. Thank you.

**THE WITNESS EXCUSED**

**[12.49pm]**

ASSISTANT COMMISSIONER: We've got some time before lunch, Mr Mack.

20 MR WILLIS: Can I be excused, Commissioner?

ASSISTANT COMMISSIONER: Yes, certainly, Mr Willis. Thank you for coming.

MR MACK: Commissioner, I'll attempt to call Mr Ibrahim Beydoun. He may or may not be here yet. I think the indication is that Mr Beydoun is not presently here. Perhaps if we take an early luncheon adjournment and I'll sort out the rest of the afternoon during the luncheon adjournment.

30 ASSISTANT COMMISSIONER: All right. Thank you. Well, we'll adjournment till 2 o'clock.

MR MACK: Thank you, Commissioner.

**LUNCHEON ADJOURNMENT**

**[12.50pm]**