

CAVILLPUB00198
17/07/2013

CAVILL
pp 00198-00262

PUBLIC
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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION CAVILL

Reference: Operation E12/1191

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 17 JULY 2013

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.

*1005soASSISTANT COMMISSIONER: Thank you. Please be seated.
Yes, Mr Downing. Yes.

MR COADY: May it please the Commission, my name is Coady, spelt C-O-A-D-Y and I seek authorisation to appear for Mr Anthony Stavrinis.

ASSISTANT COMMISSIONER: Yes, Mr Coady.

10 MR HYDE: Commissioner, I seek leave to have Ms Chan appear with me today.

ASSISTANT COMMISSIONER: Yes, thank you, Mr Hyde.

MR DOWNING: Thank you, Commissioner. Commissioner, I call Roy Newsome.

20 MR LLOYD: Commissioner, while Mr Newsome's coming up to the witness box I can inform you that I've explained the effect of section 38 to Mr Newsome and he seeks a declaration under that declaration and Mr Newsome will take an oath.

ASSISTANT COMMISSIONER: Thank you, Mr Lloyd. 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 him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

30

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

40

ASSISTANT COMMISSIONER: Could the witness be sworn, please.

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner.

Mr Newsome, if you could state your full name for the Commission please?
10 ---Yes, Roy Gary Newsome.

And your date of birth?---29 August, 1954.

And your address?---.....

Now, is it correct that you are employed as the group manager, Corporate Services at Ryde Council?---That's correct.

And have you worked in that capacity from 2001 through to the present
20 time?---True, exactly.

Had you worked in local government prior to then?---I have, since 1973.

In various Councils in the Sydney area or - - -?---18 years at Liverpool, three years at Burwood and seven years at Fairfield Councils.

So from the dates that you've told us about you were the group manager, Corporate Services continuously from the period 2010 through to now?
30 ---Yes.

So in that time you were familiar with the various Mayors that have been Mayor of Ryde?---I was.

Including Art Etmekdjian?---Yes.

And more recently Councillor Petch?---That's right.

Now, can I ask you to have a look at - I withdraw that. Before I ask you to
40 look at a document you were then, you were working in your position through the period then the Ryde Civic Precinct redevelopment was at various times before Council?---I was.

Is it the case that you didn't have any direct involvement in that actual project?---That, that's true although there was a couple of occasions in May and also again in September when I reviewed the - - -

Are you speaking of 2012?---2012, sorry, 2012 where I actually was involved in just reviewing the financial implications of the proposal but apart from that I have no real direct involvement.

Can I ask you to have a look at a document, an email (not transcribable) will bring it over?---Sure.

And I'll provide copies?---Yes.

10 And I apologise, this is something that I've only recently become aware of so it's not available on the system for the parties to see on the screen but we do have copies that can be made available for those it affects. Do you recognise that as an email from yourself to Councillor Petch on 27 November, 2012?---Yes, I do.

And it's in respect of a complaint?---Well, it was actually a request from the Mayor who suggested it was a complaint in regards to those issues or particular matters, yeah.

20 Now, the email refers to a discussion earlier that day?---Yes.

Can you recall doing the best that you can now what it was that, well, how the discussion was initiated and what it involved?---The Mayor had asked me the day before I, I believe as indicated in the email and I actually do outline some information that he was requesting. He advised me that he had received a complaint.

30 Did he say from whom?---No, he didn't, and nor did he – nor was it clear whether he had received it or whether he was going to make a complaint, so- - -

Did he say who the complaint was in relation to?---No, no, he didn't, he didn't say any details apart from the information that he, that he sought.

Sorry, he asked you to obtain information for it?---There's items in that, in that memo there that details, do you want me to read them out or- - -

40 Well, the email will speak for itself in that regard, but what did he say to you, doing your best to recall the words that he said or words to the effect and what you said back to him?---He, he, he basically said he had a complaint and he, he just required to get this information. That's basically the brief discussion that we had at that, at that time. I, I said that I would go away and confirm the details and look, basically advise the Mayor accordingly, as I did with this email on, dated 27 November.

So did you obtain the information that he had requested?---No, I didn't, no. I – basically what, what I did, I – as I verbally indicated to the Mayor, I had

– at the time I did verbally indicate to the Mayor that he should, should actually provide the details of the complaint, I did advise the Mayor to- - -

Provide them to who?---To Mr John Schanz, our Manager Risk and Audit, who at that stage was the person under our, our policy for the day-to-day oversight of the GM's, General Manager's and the Mayor's interaction, that he should actually provide those details to Mr Schanz and then he could actually go and deal with those matters accordingly.

- 10 Was Mr Schanz the person that would normally deal with complaints where they'd been made in respect of Council staff?---Under the – no, actually under the – at that, at that time under the General Manager's interaction policy with the Mayor ah, it was either Mr Schanz or Mr, Mr McCann, General Counsel, under that policy.

Right?---And- - -

- 20 So please tell us, I wasn't clear, tell us what you said to the Mayor in terms of what you believed should happen?---I, I indicated clearly to the Mayor that- - -

Try and use the words you used rather than characterising?---Yeah, okay.

Or words to the effect of if you can't remember the precise words?---Words to the effect that, Mr Mayor, basically if the, if the matter is a complaint, you need to provide those details to Mr Schanz. Basically I was indicating to the Mayor that I- - -

- 30 Again, try and use the words or words to the effect of rather than characterising, Mr Newsome?---Okay. Sorry. I'm just not sure what you're, I'm trying to actually explain the discussion.

Well, I want you to try and recall as closely as you can the words you used or the effect of the words, rather than indicating what they meant?---Okay. My comments to the Mayor were basically, I need to get, if you have a complaint you need to provide that detail to Mr Schanz to actually allow him to go and get the details investigated and provide you the relevant information.

- 40 And what did the Mayor indicate to you?---No, the Mayor indicated to me that, all I want is that information, and I basically advised him that I, I, I couldn't, I would go away and confirm that in writing, as I did with this email.

So was the purpose of the email then to confirm what you'd told the Mayor? ---Basically it was to – and, and to add further details in regards to our policies and also references to the various aspects of our Council's policy for the interface and day to day oversight of the GM, General Manager by

the Mayor, and I actually quoted clause 12 of that policy in the email for the Mayor's benefit to actually take that on notice and into consideration in regards to this matter.

Were you keen that the Mayor be aware of that there – the procedure to follow where a complaint had been made?---Absolutely, yes.

And the way in which the complaint should be handled?---And emphasising the process.

10

I tender the email from Mr Newsome to the Mayor, Councillor Petch, of 27 November, 2012, at 4.25pm.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 16.

#EXHIBIT 16 - EMAIL FROM MR NEWSOME TO COUNCILLOR PETCH DATED 27 NOVEMBER 2012 SENT AT 4.25PM

20

MR DOWNING: Now did you have any further communication with the Mayor in respect of this issue the complaint after the email that you sent on 27 November, Mr Newsome?---No. That was in the afternoon it was at 4.25. The next interface I had with the Mayor it was at the Council meeting that evening, the Mayor, the Mayor actually submitted my email as a late mayoral minute to the Council meeting.

30

Did he speak to you again about the issue or not?---Didn't actually speak to me personally, no, he, he raised it on the floor of the Council and the matter was dealt with in closed session.

So your memo to him or your email to him went before the Council?---Went before the Council.

All right. Can I ask you about a different matter now. Do you recall in February of this year learning of a complaint that had been made against Mr Neish by an IT employee at the Council in respect of his use of a laptop?
---Yes, I am.

40

How did you learn about that complaint?---It was actually, I received a phone call from the Mayor approximately 1.45pm on 5 February.

And what did the Mayor say to you?---The Mayor actually indicated he had a complaint against the, the General Manager and he wanted to contract John Schanz and I advised the Mayor that Mr Schanz was away on that day and so he asked to speak to one of our HR employees Ms Matlawski. I advised, I advised the Mayor that wasn't appropriate and as, and as the - - -

Did you say why it wasn't appropriate?---I said, the reason why I gave it wasn't appropriate 'cause she was you know not a, a senior member of staff. He advised that the complaint had gone to Ms Matlawski in HR in our Human Resources area and so I, I actually suggested to the Mayor that our Manager HR Melissa Attia should come up and see him to talk that matter through further.

10 And are you aware of what happened after that discussion?---Yes. Well Ms Attia went to the Mayor's office, met with the Mayor. The Mayor requested Ms Attia to refer the complaint direct to him, she felt uncomfortable with that.

Is that something that she told you?---Yes, that's something, she actually gave me an email in regards to that, that discussion.

20 All right. Well perhaps at this point, there are some documents that I want to have you look at. Can I - I'll provide them. 1-4 - we'll make them available to the parties as well. They are available on the - I'll tender them at this point, Commissioner, but can I indicate that they deal with the issue of the laptop and the use of the laptop and there are some, there is some language describing the particular images at pages 711 and 714 which I'll be asking the Commissioner make a suppression order in respect of. But at this point can I tender the documents and I'll identify them for your benefit the parts that I would seek a suppression order in respect of.

ASSISTANT COMMISSIONER: Yes.

30 MR DOWNING: So they, the documents for the record, Commissioner, are an email from Ms Attia to Mr Newsome of 5 February 2013 at 5.12pm forwarding on certain other emails and also two emails from Mr Newsome to Councillor Petch of 5 February 2013 at 7.20, 7.19 and 7.23pm.

ASSISTANT COMMISSIONER: Is the proposal that these will be provided to legal representatives as they are but that I will make a suppression order in respect of parts of them forbidding further publication or more general publication?

MR DOWNING: Yes, Commissioner.

40 ASSISTANT COMMISSIONER: Yes, all right. Well those, that bundle of documents will be Exhibit 17.

#EXHIBIT 17 - BUNDLE OF DOCUMENTS – EMAIL FROM MS ATTIA DATED 5/2/13, TWO EMAILS FROM MR NEWSOME TO MR PETCH DATED 5/2/13

MR DOWNING: And the version that will be placed on the website and available will be redacted in respect of the parts and it's at page 711 if I can just identify them now, 711 you'll see there's reference there to particular images.

ASSISTANT COMMISSIONER: The paragraph starting "Once I managed".

10 MR DOWNING: "Once I managed", yes, Commissioner.

ASSISTANT COMMISSIONER: Yes, well, I'll suppress that whole paragraph I think is probably the best.

MR DOWNING: At 714 it's repeating the same email, it's the same order that I'd seek.

20 ASSISTANT COMMISSIONER: Yes, well the paragraph commencing "Once I managed to identify" on pages 711 and 714 will be suppressed and is not to be published or communicated further.

PARAGRAPHS COMMENCING "ONCE I MANAGED TO IDENTIFY" ON PAGES 711 AND 714 ARE SUPPRESSED AND ARE NOT TO BE COMMUNICATED FURTHER

MR DOWNING: Thank you, Commissioner.

30 All right. Can I ask you to look then at the email that appears at page 710 of Exhibit 17?---Yes.

Is that the email you were referring to just before?---That's right.

So that's an email that you received from Ms Attia on the afternoon of 5 February?---That's, that's correct.

Forwarding on what started out as a complaint from the IT employee to Ms Matlawski?---Mmm.

40 And then Ms Matlawski's email to Ms Attia?---That's right.

Well, having received that email can you tell me what you did in terms of whether you spoke to anyone, whether you took any particular steps?---No, no, what I, what I did on receiving, on receiving that advice I then basically then compiled my, my response and advice onto the Mayor.

Well, did you, did you have a view at that point about what the appropriate way to handle the complaint was?---Well, the, the issue was we had a complaint from a Council employee in regards to the General Manager.

10 Right?---It is appropriate and can, an employee can report that matter direct to the Mayor, it can actually happen. However, I won't mention the employee's name, he had actually formally lodged his complaint with an employee in the Human Resources section unit. As a result of that Ms Attia based on her discussions with the Mayor was correct in, in referring that through her normal superior, being myself. Once, once Ms Attia had actually met the Mayor and, and compiled this we spoke and basically I then
- - -

Sorry, you spoke to Ms Attia?---Ms Attia, yes, and then reviewed her response before I compiled my, my formal referral of the matter to the Mayor for his consideration.

20 What was your view as to how the matter should be properly handled?
---The - my view of how the matter should be handled was outlined in my subsequent email which actually - the Mayor was required to assess the, the complaint and the nature of the complaint and make a determination if he wanted to refer the complaint for review and if so we would actually have to actually appoint a conduct reviewer or a conduct committee.

Was it your understanding that under - you are obviously familiar with the Code of Conduct - - -?---Yes.

30 - - - and the complaints handling procedure. Was it more serious complaints that generally went to conduct reviewers or conduct review committees?
---In regards to - yes, obviously it is always due to the context, that's, that's the whole point of the, of the assessment by, in this case the Mayor of a complaint against the General Manager is actually, there's different aspects to obviously all complaints but based on the nature of it it would have definitely required that to be appointing, appointing either a conduct reviewer or a actual conduct committee.

Can you have a look then at the email you sent at 7.19pm on 5 February which appears at page 713 - - -?---Yes.

40 - - - of Exhibit 17. So is this an email you sent to the Mayor in which you tried to explain your view as to how the matter should be handled?--- Yes, what I, what I did I, I outlined to the Mayor basically what the requirements of the, our Code of Conduct and also the complaints handling procedure was. I also attached the complaint handling procedure that is part of our Code of Conduct for his information and I also highlighted clauses 10 and 11 where the Mayor has to make an assessment as to whether he will review the matter and - - -

Clauses 10 and 11 being clauses that relate to complaints against the General Manager?---Against the General Manager, that's right. So, and therefore I summed it up in point 1, could I seek his confirmation of when we could meet further, and I did say with Melissa Attia, to discuss the matter and the complaint further, emphasised the importance of keeping it confidential, and I note in Ms Attia's email back on 7/10, yeah, 7/10, that the Mayor highlighted how, how important this matter was and for the matter to be kept confidential.

- 10 So I take it you regarded it as important that that be made crystal clear that this was a matter that should be handled confidentially?---Absolutely. Any, any complaint about a General Manager or a Mayor for example would be treated with confidentiality while that process was being undertaken, definitely. And point 3, yeah, the Mayor had actually raised in discussions that he had had with Ms Attia about the possible retribution or, against the individual that lodged the complaint and I gave a guarantee that that wouldn't be the case and- - -

Is that something that Ms Attia had conveyed to you?---She did.

20

Right?---She did, and I just gave that- - -

That the Mayor had expressed a concern that there be no retribution against the particular IT employee who had lodged the complaint?---That's right. When we, when I actually had, had met with him the following day, he, he actually indicated that action had been- - -

I'll come to the following day?---That's right. So, but at that point- - -

- 30 If you just – so you were telling us about what you were trying to convey in your email?---No, that's fine. So I just guaranteed that that would not happen and I just indicated in part 4 that following our discussion if you agree to refer the matter that we need to appoint a conduct reviewer or a conduct review committee before.

Now, you sent a further email at 7.23pm. Was that because you neglected to actually attach the complaint handling procedure?---I didn't attach the attachment, the complaint handling procedure, that's right.

- 40 So you later sent that through so that the Mayor would actually have a copy available to refer to- - -?---That's right.

- - -in the context of your email advice?---It was four minutes later, yes, I realised I hadn't attached- - -

Now, after that first couple of emails, did you have any response from the Mayor, did you speak to him that day or subsequently?---I think I may have rang him or he rang me that night and we organised to meet the next day.

Right. And was that at Council?---That was in his office on 6 February.

And what – can you tell us what was said between you on that occasion?
---Yes. Just trying to- - -

Sorry, Mr Newsome, are you referring- - -?---No, I was just, I was just trying to just recap, basically I'm just trying to gather my thoughts actually. Um, so basically on 6 February we met with the Mayor.

10

Sorry, we, is that you and Ms Matlawski?---Ah, no, no, sorry, I, I actually met with the Mayor, it was only myself and the, and the Mayor. Ms Attia couldn't attend that meeting.

Okay?---Yeah, so basically we met and I just went through, I went through the, the process with the Mayor.

If you can try rather than characterising what happened, try and as best you can use the words you used or the effect of them?---Okay.

20

What did you say to him and what did he say to you?---Mmm. So in regards to the complaint, I'm just trying to- - -

If you don't have a recollection or you don't know, please tell me, Mr Newsome, I don't want you to speculate about it?---I, I, no, no, I do know and I just can't, I can't gather my thoughts on it, which I apologise for. The, I, I do, I do recall. Basically I actually explained to the Mayor that the matter should be referred. He, or to determine if the matter should be referred to a reviewer.

30

Sorry, sorry?---The Mayor.

You explained to him that the Mayor needed to- - -?---Sorry, the Mayor – I actually went through the process with the Mayor.

Try again to use as best you can - - -?---I asked, I asked the Mayor had he, had he made a determination whether the matter should be referred.

40 And what did he say?---And the Mayor said I've already determined that I've already, I want it referred, so I advised the Mayor that he needed to appoint a conduct reviewer. He had to actually appoint a conduct reviewer or a conduct review committee from our panel and, and I, and I said to him that's the first thing that should happen.

And what did he say?---He said well I'll, I'll take that on notice I'm going to get, I'm going to get advice on your advice basically you know he told me.

Okay. Did he say from whom?---He didn't say from whom, he didn't say from whom at the point no, he didn't.

All right. Anything else said in that meeting?---He, he advised me that he'd already issued a memo to the General Manager John Neish and I, I said to him why would you have done that because there's a process to go through and - - -

10 Did he say what the memo was about?---He, he, he did, he actually advised me that he had put John Neish on notice that the, that, not to take any retribution, that he received a complaint and not to take any retribution against and he, and he actually asked, sorry, and - - -

I'll just confirm it the name has been suppressed - - -?---Apologise, that - - -
- - - and it should be suppressed for the purposes of your answer as well?
---And that he also claimed to protect the disclosure or public interest disclosure for

20 Okay. Anything else discussed at that meeting?---No.

And have you had any further dealings with the Mayor about this particular matter and the handling of the complaint since that time?---Yes. Following that discussion with the Mayor - was the question in regards to the Mayor?

The Mayor?---Yeah. I don't believe so.

30 One last matter, Mr Newsome, I understand that your transcript hasn't recorded your full name. Could I just ask you to repeat for us - - -?---Sorry. Roy Gary Newsome.

Thank you. Thank you, Commissioner.

ASSISTANT COMMISSIONER: Does anyone seek to cross-examine Mr Newsome? Mr Hyde.

MR HYDE: Yes, I do. Thank you, Commissioner.

40 Mr Newsome, you gave evidence that Mayor Petch told you that he was going to get independent legal advice on the topic?---No. He, he indicated he was going to seek legal advice or get advice on my advice basically, that's what he said.

And did he tell you where or whom he was going to get that advice from?
---No, he didn't.

Right. And I just want to put this conversation to you and ask whether you recall this exchange between yourself and the Mayor at your face to face

meeting, did you say “Mr Mayor, I have John Neish’s computer in my custody, I don’t think you should have told John Neish of allegations”?---There, there may have, there actually may have been a discussion along those lines, I’m just recalling some further discussions I had with the Mayor. Basically - - -

Sorry. Can you just tell me firstly in answer to the question, do you recall that you said that in those terms?---Can you repeat the words, please.

10 Yes. You said, “Mr Mayor, I have John Neish computer in my custody, I don’t think you should have told John Neish of allegations”?---
In my discussion on the, on the 6 February with the Mayor in his office I did express that he should not have indicated in that memo to John Neish that
(a) if he was claiming a public interest disclosure for he
shouldn’t have mentioned his name and really that was something that Mr,
well that, that employee should have asked when he lodged that, when he
lodged that, that disclosure. In regards to the computer the laptop I may
have actually spoken to the Mayor on the following day to confirm that I
20 actually had realised and I wasn’t aware until the Wednesday that, that the
actual laptop was actually still in Council so I actually had secured that and
made sure that was put under and locked away for, for no, no access by any
other staff member.

All right. So your answer to my question about the conversation I asked you to comment on is yes, you do recall saying those things?---Well, the answer is on, on different occasions, yes.

In answer to your comment, that is Mr Mayor, I have John Neish’s
30 computer in my custody, I don’t think you should have told John Neish of
..... allegations, did Mayor Petch say come on, Roy, everyone
knows already because the head of department has already
castigated him for making the disclosure, he said that to you?---These
discussions didn’t happen simultaneously or the same conversation, they,
they were separated. In the - the Mayor did indicate on 6 February, that the
nature of the matter was serious, that’s, they’re the words I can recall, that
they were serious allegations. He was pressing for them to be interrogated
by an independent party. However I reiterated the first decision that he had
to make was was the complaint, should the complaint be reviewed, referred
to an independent reviewer and then - - -

40

ASSISTANT COMMISSIONER: Mr Newsome, I don’t think you’re really listening to the question?---Sorry.

You’re not being asked about that. You’re being asked about a particular comment, whether the Mayor said to you that the head of department already knew about it and castigated him. Did you hear Mr Hyde say that?---Sorry, yeah.

That's what you're being asked to comment on?---Okay. In regards - - -

Did he ever say those words to you?---In, in regards to those comments, yes, he did, in that conversation, those comments.

MR HYDE: Thank you. And you said a moment ago in your evidence that the Mayor suggested that a third party should be examining, I think he said a third party should be examining the complaint?---What I did say is that his first decision he had to make as Mayor was whether the matter should be referred, be referred first of all and if so we had to appoint an independent reviewer from out Code of Conduct panel.

All right. But he said to you that he would get a third party, an independent third party to carry out an investigation of the complaint, that is the subject matter of the complaint being the pornography on the computer?---No, he didn't. No, the Mayor, the Mayor advised me on 6 February that he would get advice on my advice, which was that the first thing he should do is to determine whether the nature of the complaint should be referred to a conduct reviewer.

Now, you accept, don't you, that as at 5 February, 2013 the topic of the complaint was known amongst certain people within Council?---No, I didn't actually. The, the - what I knew when I finally got that advice from Ms Attia, I knew that had lodged a complaint with Ms Matlawski in Human Resources who then referred it to her manager who then referred it to me so I knew that that, those persons knew, nobody else.

All right. So in part the answer to my question is yes there are a number of people that were, were aware of the subject matter of the complaint on 5 February, 2013, correct?---By the time I got it, yes.

All right. Now, you've looked at the email from Melissa Attia addressed to you on 5 February, 2013 which is part of Exhibit 17?---Yes, I did, yes.

And there's a reference in there in the third paragraph, the third line, do you see the words "I advised the Mayor that Corinne had forwarded the email to me a little earlier and that I had arranged an urgent meeting." Who's Corrine?---That's Corrine Matlawski, that's her first name.

All right. And when did you first see the email from to Corrine Matlawski which is on page 711 of Exhibit 17?---Oh, the first time I saw that was when I had this email referred to me, 5.12pm on Tuesday the 5th.

Okay. And in your conversations with the Mayor you understood that he was concerned that this complaint had become in effect common knowledge within the IT Department within Council, correct?---No. No, I wasn't aware, that wasn't a concern of the Mayor. To my knowledge he didn't

express that. Obviously it was a, it was a serious matter but first, we had to go through the process.

All right. Yes, nothing further, thank you.

ASSISTANT COMMISSIONER: Does anyone else seek to cross-examine Mr Newsome? No re-examination, Mr Downing?

MR DOWNING: No.

10

ASSISTANT COMMISSIONER: Thank you. Thank you for your attendance, Mr Newsome, you are now excused.

THE WITNESS EXCUSED

[10.41am]

20 MR DOWNING: Thank you, Commissioner. The next witness will be Mr Charles Parisi.

MR SMITH: Commissioner, Smith for Mr Parisi. Can I indicate I've satisfied me self that Mr Parisi understands section 38. I would ask the Commission to make a declaration for Mr Parisi to take an oath.

30 ASSISTANT COMMISSIONER: Thank you for that. 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 him during the course of his 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 HIM DURING THE COURSE OF HIS 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**

Could the witness be sworn, please.

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner.

10 Now, Mr Parisi, if you could state your full name for the Commission,
please?---Charles Parisi.

And your date of birth?---11 August, 1968.

And your address?---.....

Sorry?---

Right, thank you. You're a solicitor?---I am, yes.

20 Working in private practice?---I do, yes.

And is it in a firm under your own name?---It is, Parisi Lawyers.

And for how many years have you worked as a solicitor?---19 this year.

Now can I ask you whether in earlier 2000 and, early this year you acted for
the owners of certain land in the Gladesville area?---Yes.

30 And that is, is that the land that you were instructed was zoned light
industrial?---That's right, yes.

And that's land within the City of Ryde Council area?---It is, yes.

Was Mr John Goubran one of the persons for whom you were owning,
sorry, for whom you were acting?---That's correct, yes.

40 Can you tell me who the others were?---Mr Goubran was representing - it's
a, it's a large industrial strata-ed building, a number of individuals. Mr
Goubran - - -

Can you say where it's located?---College, sorry, my apologies, College
Street, Gladesville.

Gladesville. Right?---And - - -

Sorry, I interrupted you. Go on, sir?---That's okay. It's a strata-ed building
and Mr Goubran represented the owners' corporation as such.

Was he one of the owners?---He was on the executive committee and one of the owners of a number of units in the, in the, in the, in the block.

Are you able to identify any of the others for whom you were acting - - -?
---Not, not off the top of my head but there was one other person who I had spoken to.

10 Sorry, you just need to speak up?---Oh, my apologies. There was one other person I had spoken to but I just can't recall his name off the top of my head.

Is that a Mr Dresdner?---Yes, that's, that's correct.

Roy or Ray, Ray Dresdner?---Look I think it was Roy Dresdner but I might be corrected there.

20 And did Mr Goubran identify who the other persons were that, that you were acting on behalf of?---I think he had said at one stage it was the executive committee.

Now are you able to say when it was you first got instructions to act in respect of this particular land?---Early February 2013.

And had you acted for Mr Goubran previously?---I had, I think I had met him the first time in December 2012.

And how had you met him?---A meeting in his office.

30 How was that - - -?---At - - -

How did that come to be arranged?---Oh, it was, he was introduced to me by another, a mutual client.

Who was that?---A

Right?---And who, and he was also acquainted to a client, Mr Norman Cerreto.

40 Norm, is it Cerreto, is that the correct- - -?---Cerreto or Cerreto, I think it's all- - -

Right. Sorry, I just didn't want to mispronounce it?---Yes.

All right. So you were introduced in December 2012?---That's correct, yes.

At that point had, had you ever met Mr Cerreto and Mr Goubran together?
---No.

Have you since met with them together?---Yes, yes.

Now, if I could just return then to the first time when Mr Goubran came and saw you in respect to this particular land in College Street, Gladesville?
---Yes.

Doing your best, you think it was in early this year?---Yes, it was March, probably, possibly early or mid-March 2013.

10 Could it have been February this year?---Oh, sorry, my apologies, it was February. I'd just come back from holidays. I normally have January off and it was the first thing I, one of the first things I did after the holiday break.

Now, doing your best now to recall either the words used or words to the effect of, what did Mr Goubran tell you when he came and saw you?
---I was in his office.

20 Oh, sorry, you went and saw him?---I, I, I saw Mr Goubran in his office.

So did he, what, ring up and ask you to come and see him?---Ah, yes, that's right. Actually, no, I think I, I had a message from him, I'd spoken to him in December just very generally, first meeting, new client, and- - -

In December did he raise with you then the possibility of- - -?---No.

30 - - -you acting in, in respect to this matter?---No, no, it was in, we were discussing other matters, mainly commercial lease matters, and he had informed me about a - in a very general term it was words to the effect, oh, there is an issue regarding the rezoning of it, across the road, and he may have said it's owned by Bunnings or something to that effect, I'll talk to you about it after the Christmas break.

Where was that meeting, the December meeting held?---Once again it was in his office.

And is that in College Street?---It is in the, the complex itself in College Street, yes.

40 Oh, okay, right. So you then get a message to see him in February, was it?
---I - yeah, I offered to meet him at his office, it was easier for me.

Right?---So I, I attended to his office.

And what did he tell you?---He'd, he'd informed me it was um, that he had had an issue with Ryde Council regarding a submission that he had made in respect of a possible rezoning of that property from light industrial to bulky goods.

And at the time was the particular strata titled building, was it being used for what purposes?---Appears light industrial.

10 Right. And so he indicated to you that he had made an application to Council to try and change the zoning?---No, I think that there was – if I recall correctly there was – he had explained to me that there was a local study from Ryde Council and he had retained a Town Planner together with some of the other owners in the owners’ corporation, sorry, in the strata block.

Do you recall whether he said Local Environmental Plan, an LEP, or some other type of instrument?---Oh, it was, I think it was a planned study was, was the words that were used and they had- - -

20 Right. Sorry, so go on, he and other had retained- - -?---He an others on behalf of the owners’ corporation. He may not have said owners’ corporation but I understood it was under the owners’ corporation because he had said to me that it was a strata-ed block, they already understood what that meant. And that others had had retained a town planner and had put in a submission to Council in relation to that study. And the essence of that submission was a request to have the land rezoned as bulky goods. And there was a, there was, he, he, he, he may have said to me what the arguments were in support of that rezoning, they were mainly town planning issues and local economic issues, commercial issues.

30 And did he say anything about what had happened after that submission to Council had gone in?---Yes, he, he, he had said that he had had a number of meetings with Council, with a Dominic Johnson, he and other members, Mr Dresdner was one that was actually, I recall was mentioned to me. They had some meetings with the Council, with a Dominic Johnson.

Right?---And it all accumulated to a meeting – sorry, an agenda item in a meeting of Council where it was all being assessed and recommended and looked into by the Council and that- - -

Sorry, Mr, did Mr Goubran tell you this, that there had been a meeting of Council where his- - -?---Yes.

40 - - -submission was being considered?---I think not just his submission, all submissions, there was various other submissions by all, made by a number of local landowners and his- - -

But in respect of this parcel of land or other land?---Ah, other land and his parcel and all other issues as well regarding this, this, this whole study that the Council was doing were being dealt with by Council. Mr Goubran then - he showed me an extract of what might have been an agenda of that meeting or the minutes of that meeting.

Did he indicate anything about what or where he had received that from?
---Yes, he downloaded it from the web.

All right?---I recall he actually struggled, he had told me, I asked him for it and he, he had, he was trying to download it while I was, he went upstairs in fact where his computer was and there was some delay in that, in that he, he had told me he was struggling to download it but then finally did in one way or another.

10

So was that something from the Council website?---That's right, yes.

Well, at this point, Commissioner, there's some documents that I'll be referring to, if I could tender them now and then, then have them made available on the computer system. Two copies for you, Commissioner. I'll just indicate for the sake of the record they're a series of documents including an email from Councillor Petch to Anthony Stavrinou of 26 November, 2012, an email from Mr Goubran to Mr Parisi of 15 February, 2013, an email and advice from Mr Greg McNally SC to Charles Parisi of 21 February, 2013, an email from Mr Parisi to Mr Norm Cerreto and John Goubran enclosing the advice from Mr McNally of 21 February, 2013 and a response from Mr Cerreto of the same day, a letter from Mr Parisi to Councillor Petch of 14 March, 2013, a letter from Mr Belling on behalf of the Council to Mr Parisi of 20 March, 2013, some file notes of Mr Parisi of 21 March, 2013 and 16 April, 2013, an email from Mr Parisi enclosing a letter to The Weekly Times dated 17 June, 2013 and an email from Mr Booth to Mr Parisi of 17 June, 2013.

20

ASSISTANT COMMISSIONER: Yes. That bundle of documents will be Exhibit 18.

30

#EXHIBIT 18 - BUNDLE OF DOCUMENTS – CHARLES PARISI

MR DOWNING: Now, can I ask you to have a look at - - -

MR STANTON: Commissioner, could I just at this stage indicate will they be available to the parties' representatives, in particular myself for Mr Goubran so that I can follow the evidence?

40

MR DOWNING: We have copies.

MR STANTON: I'm indebted, Mr Downing, that you sir, and of course beholden to the Commission.

MR DOWNING: Could I ask you to have a look at an email at page 857 of Exhibit 18?---Yes.

You've said that Mr Goubran at your meeting provided you with a document, an agenda document or something of that nature in respect to the Council meeting?---That's right.

Looking at the bottom of the page do you see there's a part that's described by Mr Goubran in his email of 27 June, 2012 to various persons and Mr Johnson's reply to Councillors?---(No Audible Reply)

10 Do you see in the email - this document would you agree is an email from Mr Goubran to you of 15 February, 2013?---Yes, it is.

It encloses an email that Mr Goubran had sent to Mr Dresdner and others of 27 June, 2012?---Yes.

And in that email from Mr Goubran to Mr Dresdner and others he describes or he says, "Please find below Mr Johnson's reply to Councillors" and then - - -?---That's correct, yes.

20 - - - below there's a part that starts "Dear Councillors"?---That's correct, yes.

Now it's cut off, isn't it, the page ends mid-sentence - - -?---Yes.

- - - and doesn't continue on to the next page but looking at the part that starts "Dear Councillors" do you recall whether that was the document you were referring to?---No, no, it wasn't.

30 It's a different one?---It's a different document.

Okay?---What, what he, what had happened was that Mr Goubran had in his possession a one-page document that I could not, I could not figure out where that document, what he was referring to from that document.

Do you mean at this initial meeting?---At this initial meeting.

40 Now looking at the date of this email, 15 February, does that assist you in knowing whether that was the date?---It, it does. No, I think it was the day before, I'm guessing 14 February.

Right. And sorry, you say at that meeting he had a document in his possession?---He did, it was a one page document which appeared to be an extract from some form of Council meeting and, and I asked Mr Goubran if he had the entire document. I could not work out what the date of this document was or where it came from.

Is that what's set out in the email?---No, no. What Mr Goubran's done is then, he, he has gone upstairs to his office and he's printed out from, at the

time I didn't, I wasn't in front of him when he did it but when he came back he had a, a document which if I recall correctly was the assessment, the document that was published on the web been the assessment of the submission made by Mr Goubran and others in relation to the re-zoning.

I think I understand you now. So just so that we're clear, so you think the meeting was the day before - - -?---Yes.

10 - - - and he had one page of a document - - -?---That's correct.

- - - which appeared to be some form of minutes of a Council meeting or an agenda item was it?---It appeared to be an assessment report and, and - - -

But he only had one page?---That's correct, yeah.

So that on the - and at that meeting he then went upstairs and printed out from the Council website a full copy of that document?---That's correct, yes.

20 Right. Well on the following day you received this email?---That's right.

And I'll come back to the discussions at the meeting in a minute but are you able to recall what the nature of this communication was and what it was about?---I had had a discussion with Mr Goubran on the day earlier where he had said to me that he had met with Dominic Johnson, he and others, Mr Dresdner comes to mind but I think there were others as well - - -

30 So is Mr Goubran the only person at this meeting with you?---No. There was his son Simon was a, was present but doing other things at the meeting, a colleague of mine was with me Mr Nasser.

Sorry, who's Mr Nasser?---Mr Nasser is, is a, is a colleague of mine, I think a friend of Simon's as well but - - -

Is it someone that works with you or - - -?---He's a, he's a client and he's in the process of possibly working with me but - - -

40 And what was Mr Nasser's involvement in what you were discussing with Mr Goubran?---Nothing, he was more involved with, with Simon and talking to Simon, they, they are colleagues I believe.

But was he someone that you brought along to the meeting or that happened to be there with you?---No, he, he, I think he was there meeting Simon, I'm not too sure why but I never spoke to him as to why he was there and in fact - - -

But was he present during your discussions with Mr Goubran?---No, no.

Anyone else present at the meeting?---And I think at one point Mr, Mr Cerreto may have - - -

Norm Cerreto?---Norm Cerreto may have come to the meeting as well.

Now was he someone you were aware was going to be at the meeting?
---No.

Did he speak to you at some point during the meeting?---He did, yes.

10 Did you understand that he had any involvement in respect of this parcel of land?---I knew that he did not have any involvement, no.

Well I take it he wasn't there at your behest?---No.

Did you understand from just discussing with Mr Goubran or Mr Cerreto why he was there?---No, I did not, no.

But he was present during your discussions with Mr Goubran?---Part of those discussions, yes.

20 Okay, all right. Well, sorry, if you go back then to the, this email from the 15th?---Yes.

What, was there a request at the end of the meeting that he, Mr Goubran sent you something or - - -?---Yes.

- - - did he say he would?---No. I think I requested it from him. We had a, he had informed me, Mr Goubran that is that he had had a number of meetings with Council and in particular with Dominic Johnson in relation to this submission and that his, I think he may have said if I recall correctly
30 that, words to the effect that "his town planner had had a detailed discussions with Council in relation to the submissions."

That's Mr Goubran's town planner?---Yes.

Okay?---And, and I had asked, and he said that he had also received some email correspondence from Mr Johnson and from others in relation to it. I had asked, I had asked - - -

40 Sorry, Mr Goubran said he'd received some email correspondence from Mr Johnson and others about this issue?---That's right.

Okay?---So I had asked him just so I had the full picture if he could forward to me any emails that he may have.

Okay?---And that's what - - -

Now, sorry?---That's what this is.

Now looking at the email you would see wouldn't you that Mr Goubran has annexed, he refer, he says "Find below Mr Johnson's reply to Councillors" and it appears to be some report or advice from Mr Johnson to Councillors? ---That's what it appears to be, yes.

It doesn't appear to be a communication between Mr Johnson and Mr Goubran does it?---Look it's just not my document, I, I couldn't say that, that - - -

- 10 Well, did you ask him about having received this what it was and where he'd received it from?---No. What I had asked him is to forward to me all the communication he had received in relation to the matter from Council and this is one of the, the emails that he had sent to me.

So did you assume that this was a communication he had received from Mr Johnson?---Or possibly from other party members, but I didn't assume much other than that this was part of the, the communications relating to the matter.

- 20 Well, you would have noticed on seeing this email though wouldn't you that there's no titles part, when you look at the email there's nothing to indicate that it was from Dominic Johnson to John Goubran or anyone else, does it? ---I don't think I appreciated that at the time, but now that I'm looking at it, yes, that appears to be the case but I don't think I appreciated that at the time.

But you say you made no inquiry of him as to what this was and where it came from?---No, I did not, no.

- 30 All right. But if we can go back then to the meeting the previous day. So you've got a meeting in the offices of Mr Goubran with him present and at times Mr Cerreto?---That's correct.

Did you ask Mr Cerreto what he was doing there and what his involvement was?---Ah, ah, no. I was already aware that Mr Cerreto was a good friend of Mr Goubran.

How did you know that?---Mr Cerreto had told me that.

- 40 So for how long had you known Mr Cerreto prior to this?---Oh, possibly six months prior.

And what was the nature of your association with him prior to this?---Mr Cerreto was a client.

And had you acted for him in respect of particular matters?---Not, not um, not that I can recall off my, off the top – maybe something in- - -

Well, how- - -?---Oh, no, my apologies, no, I had, yes, my apologies. I had acted for Mr, Mr Cerreto and, and Mr Goubran's son, Simon – they have a joint investment in a property and I had acted on a minor matter in that, in regards to that.

How did you first come to meet Mr Cerreto?---Through a mutual client,, who I- - -

Sorry, Mr?---....., who I, I referred to earlier.

10

Okay. Now, if you could tell us then, doing your best now in the course of that meeting what Mr Goubran and also Mr Cerreto said to you about this particular land and the submission that had been put to Council?---Mr Goubran had, he had showed me this document that he had which was – appeared to be a report prepared by Council in assessing the submission regarding the rezoning of the College Street property and he drew my attention to the fact that in this report there was extracted an opinion or an advice from the Department of Planning.

20

Now, can I ask you just to pause for a moment and go ahead to page 871 of Exhibit 18?---Yes.

Looking at that and the following pages, is this what you're referring to? ---Ah, no, no, this is not the document.

So it's not the document starting at 873?---It's a document that's starting at 888, page 888.

888?

30

MR STANTON: Sorry, Commissioner, what number was that?

ASSISTANT COMMISSIONER: 888.

MR STANTON: Yes, thank you, ma'am, 888.

MR DOWNING: 888 seems to be a continuation of something from 887 in that it's, it's part of a document in respect of item 10 but it doesn't start- - -? ---Oh, my apologies, no, my apologies, sir, sorry, 890.

40

So the document appearing at 890 and also continuing to 892, is that the document that you say was made available to you?---That's correct.

So this is at that meeting- - -?---Yes.

- - -on the 14th, you believe?---That's correct, yes.

And is this the document that was downloaded from the Council Website?

---I believe so, yes.

One page of which had been provided to you earlier?---That's correct.

All right. Sorry, I interrupted you before. So you get this document, so only, only this document from Mr Goubran?---Oh, no, this is, he's explaining to me what he would, was instructing me to do.

All right?---And he presented me with this document.

10

And what did he say to you about it?---And he had said to me words to the effect that it appeared to him that the Council, Ryde Council, was using an opinion or a report from the Department of Planning to object or to refuse the rezoning of the properties that he was concerned with.

Did he indicate how he understood that?---That he had cross-referenced the extracts from the reports in- - -

20 In what?---In this, this, in this document here. If I could just add that page 890, that report does not, not appear to be the full report that I was shown with Mr Goubran.

So you think he printed out something a bit more- - -?---There was a bit more to it, yeah, there was.

30 Right. Go back through the documents. We'll see – if you go back to page 867 it's a letter that you later sent, which I'll come to, to Councillor Petch and you annex various things to that. I want you to do your best to identify what it was that Mr Goubran gave you at this meeting in his offices?---Yes. It was the, there was a, a report from Council dated about 20 June, 2012.

20 June, 2012?---And it was quite thick, it was, there was a number of pages to that report and I recall that he just brought my attention though to the, the item concerning the College Street property.

So 20 June, 2012, a report to Council?---That's how, that's how I recall it was.

40 Was it from Mr Johnson?---Yeah, well, that's what I was told, it was prepared by Mr Johnson, yes.

Do you have a copy of that report with you?---No, it should have been in my file.

Sorry, a report to Council from Mr Johnson of 20 June, 2012?---Yes. Or it may, around that date I should say. I'm not a hundred per cent on that.

Was it possibly July 2012?---If you show me the document I, I will be able to, but that could be correct, yes.

Well, I don't want there to be any secrecy about this. You later sought an advice from a member of senior counsel in respect of this issue?---That's correct, yes.

10 Because, is this correct, Mr Goubran raised with you a concern about the way that Mr Johnson had been deploying particular advice from the Department of Planning?---That's correct, yes.

Did he give you a copy of a document encapsulating that advice from the Department of Planning?---He did, yes.

Can I ask you to look at page 854 of the Exhibit, Exhibit 18. Now, do you see that's an email from Councillor Petch to Anthony at publicitytree.com? ---Ah, yes.

20 Do you know Anthony Stavrinis?---I do, yes.

And how do you know him?---He, he – I know him 'cause he appeared at my office after having been summonsed to attend here, asking whether I could possibly act for him.

Is that the first time you'd met him?---That's right, yes.

Now, you know he's a PR person and works in PR and publicity?---I do, yes.

30 Now, the document that you're referring to from the Department – or I withdraw that. Have a look at page 855?---Yes.

Is this the document that Mr Goubran provided to you?---Yes. It was in a batch, batch of documents that he had given to me.

So an email from Danijela Karac-Cooke at Planning New South Wales to Sue Wotton?---Yes, that's the document, yes.

40 And did you understand that Ms Wotton was a person working within Planning at the Council?---I, I did, yes.

Now, did you ask Mr Goubran where he obtained this from?---No, I did not.

Did the document when you received it, that is the document appearing at - well, let me just confirm, is it the document at pages 855, 856, the two-page email - - -?---That is the document, yes.

- - - that you were given?---Yes.

Did it also come to you with the document at page 854?---I don't believe it did, no.

Are you certain about that?---I may have to check but I don't ever recall having actually seen the email at 854. It could, I, I do recall that it was possibly three pages, the one, the copy that I had received, not two but I don't recall reading page 854. It may have been stapled to something else as well so - - -

10

Did - are you able to say whether Mr Goubran said anything to you about whether he'd obtained this document from Councillor Petch?---No, he did not, no.

Or from Mr Cerreto?---No, he did not.

Did Mr Cerreto say anything about his knowledge of this document?---No, he did not.

20

Did he make any comment about it in the course of your meeting?---I think he may have even read it during the course of the meeting.

Yeah. So to the best of your recollection it was brought along by Mr Goubran?---It, it was in a batch of documents that he had with him, yes.

Looking at the document, that is the email from Ms Karac-Cooke to Ms Wotton, would you agree that it appears to be a communication between the Department of Planning and the Council about a particular zoning issue? ---That's correct, yes.

30

You'd expect that those communications would normally be confidential wouldn't you?---Look, I could not comment on that, I would not know.

Well, Council, you'd understand, wouldn't you, I mean - I withdraw that. You do some work in respect of Council and planning issues?---In so far as litigation is involved, yes.

40

You'd understand that the Local Government Act governs Councils?---Yes, I do.

And the Department of Planning has some role in terms of oversight of Councils and their conduct?---Yes, that's right.

On the face of this document you'd agree, wouldn't you, that it's Council receiving some advice as to the particular zoning issue regarding land at Ryde Council?---That's, that's what it is, yes.

Well, you wouldn't expect that's a document that's normally made available to the public would you?---Look, I could not comment on that.

Well, having read it I'm asking you to give me your opinion. Having read it it appears to be a confidential internal communication doesn't it?

---Certainly I, I accept that confidential internal communication, especially one regarding possible future rezoning should and would normally be confidential. Whether this document on its face having read it I would accept should be a confidential document. I find that difficult because I, I
10 had read the, the contents of this document that the essence of it then appeared in public documents as well so I find that a difficult proposition to accept.

When you say public documents do you mean the report from Mr Johnson in respect of particular uses of the land in right?---The ones that were published on the website would be in the public domain, yes.

But there were excerpts of it weren't they, the document wasn't reproduced?
---No, that's correct, yeah. The, the essential elements of it were, were
20 excerpted.

Now did you make any inquiry of Mr Goubran or Cerreto during that meeting about the sources and the provenance of this email?---No, I did not, no.

And did they not tell you anything about that?---No, they didn't.

Now, prior - now, Mr Parisi, can I ask you to continue on then in terms of what Mr Goubran told you? So he identified for you that he owned this
30 land?---That's - yes, that's correct.

And that he was acting on behalf of other owners within the particular strata plan?---Yes.

He indicated that he wanted to try and change the use of that land?---That's correct, yes.

And I take it that others within the strata plan wanted to do the same?---I understood it that way, yes.
40

To bulky goods?---That's right.

He indicated that there had been some submission to Council about that?
---That's right, yes.

Did he indicate some concern then about Mr Johnson in the way in which he had relied on advice from the Department in dealing with that submission?
---Yes, he did.

And did he ask you to seek some advice about that or to do something about it?---He did, he did, yes.

And is that what then prompted you to instruct Mr McNally to give an advice?---That's correct, yes.

Can I ask you - you'll see - if you go to page 858 you'll see Mr McNally emailed the advice to you on 21 February?---That's correct, yes.

10

Doing the best that you can when did you instruct him to provide the advice?---I think it was about the 15th or the 15th.

So soon after your meeting?---Soon after, yes.

And in terms of what you briefed him with did you give him a copy of that document, being the email from Ms Karac-Cooke?---Yes, I did.

20

And did you also give him a copy of a - if I could ask you to go to page 859?---Yes.

You'll see that in the advice Mr McNally refers to a report from Dominic Johnson of July 2012?---That's correct, yes.

Did you brief him with that?---Yes, I did.

And then he refers to a further report of 13 November, 2012 at page 860? ---That's correct.

30

Did you brief him with that?---I did, yes.

And were there any other documents you briefed him with?---No, I think that was the entirety of the brief.

And you - is it correct that you asked him to advise as to whether there may be some evidence of corrupt conduct - - -?---That's, that's - - -

- - - in the way in which Mr Johnson had managed this particular issue? ---That is correct, yes.

40

In the course of the meeting was it Mr Goubran who asked you to seek that advice about whether there had been corrupt conduct?---Yes, he did, yes.

Mr Cerreto ask you to do anything?---He must, he may have, I think he also mentioned that, that he was interested in the advice as well.

Did you have any understanding as to what his interest or involvement was?

---Oh, oh, not really, I just figured that he took some interest in it. He, he had expressed to me, this is Mr Cerreto, during the meeting that he had had a number of issues with Mr Dominic Johnson, he did not, he expressed to me that he did not like the man, that he thought that the man had misled Council - he said words to the effect that Dominic Johnson had on a number of occasions misled Councillors with his reports and at meetings and that, that Mr, that he felt that Mr Dominic Johnson had an issue with Mr, with Mr Cerreto and with Mr Goubran, a personal issue with them.

10 Now Mr Cerreto wasn't your client for the purposes of this was he?---No, he was not, no.

So did you query with him what, what involvement or role he was having in respect of this particular matter that you were instructed to act on?---I did not but it appeared to me that Mr Goubran was happy to have him in the meeting.

ASSISTANT COMMISSIONER: I'm sorry, can I just ask you, Mr Parisi, it appears from what you've said just then that - was the whole purpose of this
20 to try to get Mr Johnson dismissed or get him out of the Council basically?
---That, that may, may have been the ultimate intention yeah, but it wasn't expressed to me in that way. It was, it was firstly to look at whether there had been some misconduct in relation to the assessment of I daresay Mr Goubran's application as opposed to what we've referred to as the Bunnings application which was across the road and to have the Council deal with that, deal with Mr Dominic Johnson was to account for the way he had, had undertaken his assessment.

30 So their, their purpose was to have him dealt with by the Council if he had been involved in wrongdoing in relation to the, the submission?---That's correct. That's correct. At no time did they say to me that they wanted him sacked or terminated or - - -

Well, it sounds like from what Mr Cerreto - - -?---But, but - - -

- - - was saying to you he - - -?---I figured that that was - - -

40 - - - would have wanted him sacked?---Yeah, that was my own, in my own mind my, my own assessment of it was I figured that that's possibly what he would have liked to have happened, yes.

Yes, thank you, Mr Downing.

MR DOWNING: Now, you've told us that in the course that meeting Mr Goubran gave you a series of documents?---Yes.

So beyond, I take it beyond what you've described so far being the email from Ms Karac-Cooke to Ms Wotton and then the two reports the July and November reports?---Yes, that's correct.

Can I ask you to have a look at a document that I'll provide now and I'll provide copies to the Commission and to the parties. And this appears, sorry, this is not in Exhibit 18. Do you recognise this as an email from Mr Petch to Mr Cerreto of 27 June 2012?---It is, yes.

10 And it reads, "Hi Norm, this may be of interest to John Goubran"?---Yes.

And it then encloses an email from Mr Johnson to the Councillors at Ryde Council?---Yes.

And if you look at the content of that, "Dear Councillors, several of you" et cetera et cetera - - -?---Yeah.

- - - compare it to page 857 of the exhibit, that is the email you received from Mr Goubran on 15 February - - -?---Yes.

20

- - - you'll see that the part that Mr or the communication from Mr Johnson or his reply to Councillors that Mr Goubran describes in that email - - -? ---Yes.

- - - is the same as this email with the difference being this actually shows that it was from Mr Johnson sent on 27 June to Councillors?---That's right, yes.

30 Do you recall if this document was given to you by Mr Goubran?---No, it was not.

What about Mr Cerreto?---No, it was not.

Have you seen this before?---No, not, not the document you've just presented to me but it, it appears to me that an extract of the email from Ivan Petch dated 27 June 2012 is in the email that was given to me by John, well it was passed onto me by John Goubran on 15 February 2013.

40 So that it would appear Mr, Mr Goubran's email to you forwarding his email to other persons from 27 June extracts part of an email from Mr Johnson to the Councillors which Councillor Petch has sent onto Mr Cerreto?---That, that appears to be the case, yes.

Suggesting it might be of interest to John Goubran?---That is right, yes.

Commissioner, I tender the email.

ASSISTANT COMMISSIONER: Yes. The email from Mr Petch to Mr Cerreto dated 27 June will be Exhibit 19

#EXHIBIT 19 - COPY OF AN EMAIL FROM MR PETCH TO MR CERRETO DATED 27 JUNE 2012

10 MR STANTON: Commissioner, can I trouble the Commission for a copy of that if I may, please?

ASSISTANT COMMISSIONER: Yes.

MR DOWNING: Well we do have copies we'll make them available.

MR STANTON: Yeah. When you're ready.

20 MR DOWNING: Now can I, going back to the meeting with Mr Goubran and Mr Cerreto on the, sorry, I think you've said you believe on the day before the email so the 14th - - -?---Oh, I think it was the 14 February, yeah.

In the course of that you've told us about the discussion you had in terms of Mr Johnson's role in dealing with this issue about the re-zoning of the land?---Yes.

Was there any mention of Councillor Petch in any of those discussions?
---Look I, I don't recall, I don't believe there was but I, I really don't recall engaging in any conversation with Mr, about Mr Petch during that meeting at least.

30

Any mention of Councillor Petch and his views about Mr Johnson?---No, look I don't recall. There, there could have been but certainly if it wasn't in that meeting possibly, definitely in other meetings it was expressed to me that, that a view was given to me about what Mr Petch thought of Mr Johnson.

Do you mean by Mr Goubran or Mr Cerreto?---Possibly both of them, yes.

40 What were you told?---Oh, that, they, there was just a, they both hated each other or something to that effect.

Were you told anything by either Mr Goubran or Mr Cerreto that Mr, Councillor Petch wanted to get rid of him?---No, no, that was never said to me, no.

Are you certain of that?---Not specifically that Mr Petch wanted to get rid of him, no.

Do your best, at this meeting where you were first instructed to seek this advice about Mr, the propriety of Mr Johnson's conduct - - -?---Mmm.

10 - - - do you recall there being a mention then of Mr, of Councillor Petch?
---Look there, there possibly was and I'm just thinking back at it and there may have been near the, the end of the meeting there was a general discussion between us and, and it was during that part of it, just, sorry, if you could appreciate that I did not know much about the history of, of what was going on in Council in the months prior in the Supreme Court at that, at that time.

So it did not follow what was going on with the Ryde Civic - - -?---Other than what I saw in the papers, no, not, not, not to any great - - -

In respect of the Ryde Civic Precinct redevelopment?---That's correct. And, and at that meeting I don't even, I don't believe I even really knew who Mr Petch was, I probably became aware of who he was later on but I don't recall that early in the stage that I would be - - -

20 Did Mr, doing your best now did Mr Goubran or Mr Cerreto say anything about their relationship with Councillor Petch?---At some time I, I think Mr Cerreto had said that he was good friends with Mr Petch.

Did he say anything about Councillor Petch helping him from time to time with matters?---No, he never said that, no.

30 So returning then to the documents with which you briefed Mr McNally all the documents that you briefed him with were documents that you received from Mr Goubran?---That's correct, yes.

And you - so he provided you with the email from Ms Karac-Cooke?---Yes.

And the two reports in respect of this particular land?---Yeah.

One from July and one from November 2012?---And were extracts of those reports, yes.

Extracts?---Yeah.

40 But there were other documents you say you were provided but you didn't brief Mr McNally with those?---No, that's all I was provided with the next day I received the email that - - -

I'm sorry?---That I received and that was the only other document from my recollection.

So is the email that you received, that's the one at page 857 - - -?---Yes.

- - - did you only receive the incomplete on that appears at 857 or did you have the full email?---No, I, its probably that I did have the full email and I've only partly printed it, so I imagine I would have had the whole entire email, yes.

Now you then received, having briefed Mr McNally you received his advice - - -?---Yes.

- - - on the 21 February?---That's correct, yes.

10

And on receiving it I take it you read it?---Yes.

Did you speak to Mr Goubran about it?---I did, yes.

And what was the nature of your discussion?---I, I informed Mr Goubran that I'd received the opinion and asked him whether he wanted a copy of it and he said yes, certainly if I could get him a copy and I think he may have said that if I could get Norm a copy as well.

20

Did you, were you at all interested in why Mr Cerreto might receive a copy?---Look I didn't, at the time I did not even, I didn't think about it I just, I just said, I assumed that, that Norm Cerreto was assisting Mr Goubran in some way in this matter.

Did you have any other knowledge of, of some interest that they had in common?---Oh, they, they had some business interests in common, yes.

30

Did, did you understand on the basis of what they told you they had some particular interest with respect to Mr Johnson?---Only in the general sense that they both disliked him, other than that, no.

You must have - I withdraw that. In view of the nature of the instructions you got and the advice you were seeking from Mr McNally - - -?---Yes.

40

- - - you must have thought that one of the things they might be seeking to achieve was to get rid of him?---Oh, that's absolutely, yeah, I did, I did, in my own mind absolutely I thought that that's what they wanted to try to achieve in relation to it. I never engaged them in relation to that at this time, at, at that time when I was obtaining the opinion. Later on I think I did have a discussion with them where that was discussed, yes.

Well think ahead. When was that to the best of your recollection?---I'm guessing it was probably in March, by March or so.

And was that a discussion with the two of them together?---No, it's definitely I had a discussion with Mr Goubran, no, my apologies. I think it was April and the reason being that there was a - I just recall that we had a, a discussion, there was - - -

Was this a face to face meeting or a telephone call?---It was. We discussing
- - -

Where was that held?---In Mr Goubran's office.

Right?---And we were discussing other matters and the, the issue that I had
raised in my correspondence of the 15th or the 14th - - -

10 Of?---March had raised its head back, it was back in Council, the issue
regarding the Bunnings site was back in Council and - - -

So Bunnings is another site on the same stretch of road, is it?---Yes,
possibly to best understand it that we have College Street, the large
industrial strata-ed site which Mr Goubran is the part-owner, directly across
the road there is a large industrial site which I think is a car park in essence,
but an industrial zoned site which Bunnings has either acquired or has some
interest in it, and Bunnings had sought to have that site rezoned from light
industrial to bulky goods.

20 So they can open up a Bunnings Warehouse?---That's, naturally. And Mr
Dominic Johnson was behind I understand the assessment of that
application.

Right. Well, then returning then to your discussion, you believe, what, in,
sorry, April this year?---Yeah. So in April I think the Bunnings site had
gone back before Council to, to debate.

30 Did Mr Goubran draw this to your attention?---He did, yes. And if I recall it
was around 9 April- - -

All right?--- - - -that it was back before Council. And Mr Johnson or
someone in his department, him and some others in his, in his department
had again prepared a report to Council, to the Councillors in relation to the
assessment of the Bunnings site, and in that report he had once again
extracted parts of the advice that he had apparently received from the
Department of Planning, relation, relating to my client's site.

40 Okay?---But we had – it had been brought to my attention that that extract
of the Department of Planning advice was manipulated to appear to be a
more favourable advice and- - -

Well, that was the nature of the advice that you'd been seeing from Mr
McNally- - -?---That's right. And- - -

- - -about whether in some way it had been falsified?---Yes.

That is the reliance on the Department of Planning's advice?---That's
correct. And what – but Mr Goubran was upset- - -

Bring us back to April?---Yeah, in April Mr Goubran had called me because he was upset that again he had seen that Dominic Johnson – his perception was he had manipulated a report to get a favourable outcome for himself or others and, and had used that same report to not seek a recommendation for approval of Mr Goubran’s site.

10 And did he say something at that meeting about wanting to get rid of him?
---I think he made it very (not transcribable) I’d like to get rid of this man. I think he was, he was very blatant about it, he was quite vocal about- - -

All right?--- - - -being upset of, that Mr Dominic Johnson once again had got his way, I think was the way it was put to me.

Commissioner, is that a convenient time?

20 ASSISTANT COMMISSIONER: Yes. And before we adjourn, Mr Downing, as I understand it, Mr Johnson is not to be called because we’re not really- - -

MR DOWNING: That’s correct.

30 ASSISTANT COMMISSIONER: Yes. I am a bit – I think I should make a suppression order in respect of the advice that was obtained as to whether Mr Johnson’s conduct could amount to corrupt conduct, because we are not investigating that matter, we’re not going to make any finding in respect of it, he’s not being called – I think it would be unfair for that opinion to be generally available. So I’m happy for it to be used during the inquiry, referred to during the inquiry, but I make an order that the advice which appears at pages 859 to 864 of Exhibit 18 may not be further published otherwise than during these proceedings.

AN ORDER IS MADE THAT THE ADVICE WHICH APPEARS AT PAGES 859 TO PAGE 864 OF EXHIBIT MAY NOT BE FURTHER PUBLISHED OTHERWISE THAN DURING THESE PROCEEDINGS

40 MR SMITH: Commissioner, would you also consider making a non-publication order in respect of who’s a client of Mr Parisi’s and I don’t understand to be connected?

ASSISTANT COMMISSIONER: Yes. I make a non-publication order in respect to the reference to- - -

MR SMITH: Thank you.

ASSISTANT COMMISSIONER: - - -as again that matter is irrelevant to what we are considering.

THERE IS A NON-PUBLICATION ORDER IN RESPECT TO THE REFERENCE TO

10 MR SMITH: Thank you.

ASSISTANT COMMISSIONER: Yes. Well, we will now adjourn for 15 minutes. Thank you.

SHORT ADJOURNMENT [11.33am]

20 ASSISTANT COMMISSIONER: Thank you, please be seated. Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner.

Mr Parisi, just before the break I was asking you about the advice you'd received from Mr McNally and you told me that you spoke to Mr Goubran about it and he asked you to send it on to Mr Cerreto?---That is, that's, I think that's correct, yes.

30 And if you look at page 865 of Exhibit 18 that shows that you did just that, you sent it on that day?---Ah - - -

You see at the bottom of the page there's an email from you to Mr Cerreto and john@ig.com.au - - -?---Yes.

- - - enclosing the advice?---That is correct, yes.

Now further up the page it shows that you received a response from Mr Cerreto?---That's right, yes.

40 And in that email he expressed a number of concerns about the advice? ---That's right, yes.

And indeed in that advice suggested that further matters might be considered in the advice?---Yes.

And suggested that further advice might be sought about, this is at point 3, about the obligations of an employee and possible grounds for termination? ---Yes.

Now, did you understand these as being instructions to then take it further or seek a further advice?---I did, I did.

But Mr Cerreto wasn't your client?---No, and I made a phone call to Mr Cerreto about that.

10 And to what effect?---I, I called him telling him that I'd received his email, not on this day, 21 February because I don't think I dealt with this until maybe a day or two later, that I had received this email from him and I said to him that I wasn't prepared to consider it because he - to the effect that he was not the client and it was not what I, I was instructed to do and it was improper in fact is what I said to him. He, he said that he would talk to me in person about it - - -

Right?--- - - - later.

And did he?---I think he may have about a week or so later.

20 And what was the nature of the discussion?---Oh, he said to me something to the effect that this is not something that he was asking me to do, that this was something that he was asked to ask me to consider.

By who?---He would not reveal to me that person.

Did you ask him about that?---I did, yes.

30 And as a lawyer I take it you'd normally like who you're acting for?---I did. No, I made it clear to him that the conversation was along the lines of that, I said to him that let's be clear, Norm, what you're asking me to do is an opinion or change the opinion that we obtained from Council appears to be for some other purpose, I'm not going to be involved in that. The Council's opinion is Council's opinion and this is - John's the client not you, it's not appropriate that you should be sending me these requests and he said look, this is not coming from me, it's coming from other people and I said well, what's that all about and he said don't worry about it and leave it at that, it's the end and that was it.

40 Was there any mention of Councillor Petch in the course of that discussion? ---Not that I recall, no.

He didn't Councillor Petch as a person that might be interested in pursuing this further?---No, he, he, he could have but look, I just don't recall him mentioning Mr Petch at all in that, in that conversation.

You say he could have. I mean, that would have been something that would have stood out in your memory wouldn't it?---If he'd said definitely, absolutely, definitely I would but he could have said Mr Petch about other matters but not, definitely not, no, actually he definitely he did not say

anything about this because this is, this was a conversation between me and Norm where I was quite annoyed that he was, that he had sent me this email that I, I didn't think it was appropriate that he should and I was really dressing him down about it so I don't, if he had said I'm doing this for Mr Petch that's something that absolutely would have stuck in my mind.

In the email he did, one of the things he'd asked you to do was to seek specific advice about whether there were grounds for termination?---Yes.

10 I take it that that left no doubt in your mind about what Mr Cerreto wanted to happen to Mr Johnson?---That's right, yeah, absolutely, yeah.

In circumstances where this wasn't land that concerned him as you understood it?---It didn't concern him, nor did the termination of, of Mr Dominic concern me or him is what I expressed to him.

In your conversation after receiving this email with Mr Cerreto did you ask him about why he wanted Mr Johnson terminated, that is his employment terminated?---In a subsequent conversation I did, yes.

20

And what did he say?---Oh, he said that there was a long history of hatred between then, he felt that - he said to me that Mr Johnson had on a number of occasions manipulated Council opinions or Councillors' opinions or generally opinion within Council about Norm Cerreto.

In effect felt like he'd been victimised by Mr Johnson?---Absolutely, yeah.

30 Now, after - as well as having these communications with Mr Cerreto I take it after you actually sent on the advice to Mr Goubran you spoke to him after you'd had the chance to read it?---Yes.

And can you tell us when that occurred?---Oh, probably about 21, 22 of February.

And what did Mr Goubran say to you or tell you to do?---Oh, at that stage first he was going to absorb the opinion and I think he was going to circulate it amongst the owners' corporation or the executive committee and get back to me with further instructions.

40 And did he then get back to you with instructions?---He did.

To do what?---We had a further meeting where we discussed how we would take the matter further.

And who was present at that meeting?---That was just myself and, and John Goubran.

In his offices?---It was in his office and I think Simon was present but once again Simon have been upstairs.

Was Mr Cerreto not present for this one?---No, no.

And are you able to say when that occurred?---Look, not off the top of my, my - March, I'm guessing it's early March.

Okay?---Yeah.

10

Did you - well, at that meeting what was the nature of your discussion?
---We, we discussed what the possible, what the choices were, how we could take the matter further and I said to him well, I suggested to him that we could either send a letter to the Council bringing their attention, the, the issue, the matter and asking them to deal with it and - as a formal complaint to the Council. Alternatively we could refer the matter to, ourselves to ICAC if we felt that strongly about it.

20

And what instructions did you obtain?---A bit of a mixture of both. He's asked me, I was instructed to prepare a letter to Council bringing it to their attention and asking them to refer it to, to ICAC if need be.

And if we go to page 867 through to 870 of Exhibit 18 is that the letter you then prepared on those instructions?---Yes, that's correct.

Was there any discussion at that conference with Mr Goubran about whether Councillor Petch was aware of this issue?---No, not directly, no. It was not, Councillor Petch did come up in the discussion.

30

In what context?---That - initially I had said to Mr Goubran the idea was that I would send - we agreed that a letter would go to the Council, in, in my mind that meant a letter to the General Manager, a formal complaint to the General Manager and I may have said to Mr Goubran that we would send a formal complaint to the General Manager.

I take it that's the person you would normally expect that a complaint about a - - -?---That's right.

40

- - - member of the Council staff would be addressed to?---That's right and Mr, Mr Goubran - and that's how I was going to prepare my letter and I've a - I'm not 100 per cent certain if it was during the meeting or at a subsequent telephone conversation immediately after the meeting but Mr Goubran had said to me, put to me what about if we prepare the letter and it gets buried in Council, it doesn't get dealt with, then what do we do, what do we do. And I said look, it's something that we should formally complain to the Council about and then her deal with it as it comes and he said - and it may have been he or it could have been even I but I think what it has come to - it may

have been I suggested that well, perhaps we should send it through the Mayor who could formally approach the General Manager.

Are you sure it was you who suggested that- - -?---But- - -

- - -or do you think it might have been Mr Goubran who suggested it?
---It might have been even a joint thing, it might have been Mr Goubran may have initiated it and maybe I agreed with it, the proposal, but look, I can't be 100 per cent on that.

10

Was there any other discussion about Mr Goubran, sorry, with Mr Goubran about why Councillor Petch, the Mayor, might be the person to send it to?
---Oh, look, I think he did say words to the effect that, that the Mayor could then personally deal with this, get it and personally deal with it, that way we could be assured that it would not get buried, and he may have also said that – something to the effect that at that stage, at this stage that the Mayor may have had an interest in Dominic Johnson in relation to this issue.

20

Do your best – what did he say about Dominic Johnson and the Mayor's interest with Dominic Johnson?---I don't think he actually said anything specifically that he had an interest in Dominic Johnson, he just said he had – I think he had – it was along the lines of that the Mayor was aware of this issue, this, this matter that this report had allegedly or apparently been manipulated- - -

Right?--- - - -by Dominic Johnson and that he had an interest in it was, was how I understood it.

30

Is that what he said words, words to the effect of?---Yes.

Did you ask him about how the Mayor knew about it?---No.

Did you ask him about whether he communicated with the Mayor about this issue?---No, no. I assumed that the Mayor was aware of it, given that he was the Mayor and a Councillor that had had it to his attention and I didn't really- - -

So- - -?--- - - -engage in that conversation much.

40

Now, you sent the letter that I've already taken you to at page 867 to Councillor Petch, the Mayor?---Yes.

And you annexed various documents to that?---Yes.

Now, it's correct, isn't it, that one of the documents that you had but that you did not annex was the actual email from Ms Karac-Cooke- - -?---Yes.

- - -to Ms Wotton?---That's right.

Now, plainly that was an important document for the purposes of the complaint that you were making?---Mmm, yeah.

One that you would need to be able to have access to in order to make sense of what was being alleged?---Yes.

Were you instructed not to send that?---Um, no, I don't think I was, no.

10 Well, why didn't you send it?---Look, I, I, I do recall um, I do recall um, the – it might have been my first draft of it that had a - - -

A draft of the letter?---Draft of this letter, the one that, you know, I'm just looking at a very early draft of the letter referred to it.

Did you show that draft to Mr Goubran?---No, I don't think I did. And then, and then I, I redrafted – it just wasn't worded correctly, I redrafted it and I don't recall anyone actually – I don't recall me really considering whether – in any great detail whether it should be in or not.

20

Mr Parisi, you briefed Mr McNally to advise on this very issue with three documents?---Yes.

The two reports- - ?---Yes.

- - -in respect of the zoning?---Yes.

And the email from Ms Karac-Cooke, which was critical, wasn't it?---Yes.

30 Because if you're going to demonstrate that in some way it had been – advice had been manipulated- - ?---Yes.

- - -you needed to have reference to that to make sense of it?---That's right, yes.

I want you to think carefully about this. Did you receive any instructions from Mr Goubran on preparing this letter that you should not include that advice, that is the email advice from Ms Karac-Cooke?---Look, I, I can't say with absolutely certainty that I did receive those instructions.

40

Well, well, do you think you might have?---Um, I really don't think I did, no, no.

Well, it would have been, it would have been the first plank of the complaint that you wanted to make to Council, wouldn't it? Thinking from your perspective as a solicitor drafting a complaint on behalf of a client and alleging misconduct in effect and threatening that ICAC- - ?---Um- - -

- - -might be involved, that's the first plank of the complaint, isn't it?
---No, what, what, what we, we, the, the letter addresses is the two public documents.

But they don't make sense. To actually make out your complaint that in some way advice that had been extracted in those two documents had been misquoted or manipulated, you needed to have the source document, didn't you?---Oh, yes, absolutely. We did have the source document.

10 Well, can you think of any reason why as a lawyer drafting this letter to prosecute a complaint on behalf of a client you wouldn't have included that?
---Look, I just can't, no, and I really do not think that it actually crossed my mind because what, what my focus was, the, the two documents that were used by the Council or presented to the Council that were misleading, there was one document which referred to the same, appeared to be the same report which said one thing and then the same report is quoted with the same document in a different report which says completely the opposite. It was in that contents that I was bringing it to their attention.

20 But, but for the Council to understand what might have actually happened and how that difference might have occurred, they would have needed to have had regard to the actual source email from Ms Karac-Cooke to the Council, wouldn't they?---Possibly, but possibly not as well because we're bringing to their attention the two public documents and- - -

Mr Parisi, did Mr Goubran or at some stage Mr Cerreto suggest to you that you shouldn't include that email in the letter to Council because it would be difficult to explain how it had been obtained?---Um, no, no.

30 I want you to think carefully about that?---No, in fact I don't ever recall Mr Goubran even – well, and certainly not expressing to me that he shouldn't – that I should not have that email or that he should not have it or it was obtained by improper purposes if that's what, what is being suggested.

And you say you have no recollection in the course of- - -?---In fact- - -

Just please let me finish the question?---Yeah.

40 In the course of preparing this letter of actually being told by either Mr Goubran or Mr Cerreto you should not include that email from Ms Karac-Cooke?---No, I don't recall that – being told that, no.

Can you explain then why you didn't include it in the letter?---In hindsight it possibly could have been worded that way – it was just not the approach that I took to it and really other than that I can't say any more. That, that – it was – I thought I made it clear in my letter that, that we had possession of that report.

Where do you say that?---I'm just – I'll go back and revise the letter, but that's from my recollection.

So you refer in the letter to extracts?---Yes.

It would – it would be plainly helpful, wouldn't it, to actually say, and here's the document that's been extracted so you can understand how it's been manipulated?---Oh, look, that is agreed, I agree with that, yes.

- 10 ASSISTANT COMMISSIONER: In fact it substantially weakened your letter, didn't it, because you could only say it appears that the advice may have been extracted?---Yes.

It's, it's certainly not as clear as it could have been if you'd actually said and here is the advice?---Yeah. Look, the focus – I think that the focus – and it may well have been that the instructions were rely on the, the public documents, but I just don't recall that being put to me in that, in that content.

- 20 MR DOWNING: Has anyone asked you to give evidence to the effect that you're giving it today about whether you were instructed not to enclose that advice?---Yeah, no, no. I, what, what I was instructed in relation to – sorry, it went like this, that we had the meeting and we had a batch of documents, using the batch of documents, obtain advice from Council in relation to the matter and that included, you know, the, the um, Department of Planning letter. I then prepared a draft of this, of this letter and actually now that I recall that a first draft of this letter was given to Mr Goubran who marked it up. I can't recall if he had marked it, what his mark-ups, but I do recall- - -

- 30 So, so he got the draft of the letter?---He did, and he had marked it up and sent it back to me and if I recall correctly, he had made some, some, he'd made some hand amendments. Now, I just don't today- - -

Do you have on your system at work the original draft?---Um, possibly, but I think we had – I think I printed it out and put it in my file, his hand one.

The draft of it?---Yeah, his, the draft with Mr Goubran's hand mark-ups of, of the, the letter.

- 40 I'd asked you earlier about whether he'd seen the letter and draft and I thought you told me that that hadn't occurred. Is that your evidence? ---Ah, he had seen it in draft, yes.

Having remembered that now and thinking about it again, do you think that it may have been the case that you had intended to enclose that document and it had been taken out?---Look, it could have been, yes, it could have been the case and, and now that I'm thinking it just, it's just hit me now that um, he had made some hand alterations to it. Now, look, I can't recall what

those hand alterations were but to my mind today I, I recall that he had um, definitely made some typo alterations um, along those lines, but if I had a copy in front of me it would probably help better. But, but I see what you're suggesting but I'm thinking today that I think the focus at the time was the two public – as to how that came about, look, I just don't, I just really do not recall as to whether specifically I was told by Mr Goubran not to, not to ah, include the Department of Planning's letter for some purpose, for some reason.

- 10 When I showed the, the document in, that is the actual email advice from Ms Karac-Cooke which appears at 855 and 856 before. Have a look at it again?---Ah hmm.

I asked you about whether you'd seen the page before 854 the email from Mr Petch to Anthony at Publicity, Publicity.com?---Yes.

Now I think your evidence was that you recalled there being a third page but you didn't think you'd seen this?---No, that's right, yes.

- 20 Can you think of, try your best, do you think, can you think of what the other page that was attached to this email from Ms Karac-Cooke was?---I, what I, I do recall was that the, the email from the Department of Planning was given to me and it had a page in the front was folded over, it was stapled in the corner and a page in front was folded over.

So you couldn't really see what it was?---No, no. I, and, and I, I just recall brushing it off 'cause it was not relevant to anything that I was doing, I - - -

- 30 So you can't rule out that it might have been this cover page - - -?---It could have been, yeah - - -

- - - of the email from Councillor Petch - - -?---Yes.

- - - to Anthony at Publicity.com?---Yes, it could have been, yes, that's right, yeah. But I, I just, like I said I just did not read it, I did not read it to absorb it to say that this is the document, my, my focus was on the, the next two pages.

- 40 In any event you sent your letter off to the Council?---Yes.

And you then received by email on 20 March your response?---Yes.

From Mr Belling at K & L Gates?---That's right.

Mr Belling being a solicitor who indicated in his letter that he'd been retained for Council on the instructions of Councillor Petch?---That's right, yes.

And that appears at pages 86, sorry, 893 and 894 of Exhibit 18. Do you see those?---Yes.

Now after having sent that letter off and received a response from the Council did you have further communications with Mr Goubran or Mr Cerreto about the matter?---From the 20th of the month - - -

After you received the letter back?---The letter from Mr Belling? Yes?---Yes, I did.

10

And when and what effect?---I, well I, I forwarded a copy of Mr Belling's letter to Mr, Mr Goubran and I spoke to him I think on the same day or the next day on the telephone just telling him in, in essence that Mr Belling indicated that there is something happening with the matter.

So the Council was going to look into it?---That, that - - -

You, you conveyed that?---That was the essence of the discussion.

20

Did you get any further instructions?---No, that was, that was it, just to keep him informed of, if anything goes further. I then spoke to Mr Goubran again, sorry, Mr Belling I think called me about a week later in relation to it, it was a mere status report, I think his words were that nothing much was happening and, and I conveyed that to Mr Goubran.

30

Was that the end of your involvement in respect to the matter?---No, no. It continued. Mr, Mr Goubran continued as I said earlier on Mr Goubran continued asking me whether I'd heard anything further from the matter and I had not and I kept, told him that I had not and I, then I had a conversation with Mr, I may have called Mr Belling to find out if there was any further, anything further had happened. I had a conversation with Mr Belling in relation to it where he had expressed to me that had, that it had been referred to the ICAC the issue and that he was no longer retained in relation to the matter that the General Manager had terminated his retainer and that if I wanted to make any further inquires, probably if I wanted to probably do it either through the ICAC or, or through the General Manager.

40

Okay. At any point in the period and when you were first instructed by Mr Goubran in respect of this matter through to the present time have you had any discussions with Councillor Petch about it?---About this, yes.

Yeah. When was that?---Oh, in, about 16 of March.

And were you meeting Councillor Petch face to face or speaking by phone?--Yes, yes, it was a, it was a face - - -

Where was the meeting?---It was in Gladesville in Coxs Road, Gladesville.

Is that Coxs Road, Gladesville or Coxs Road, Ryde?---Ryde, Ryde.

Was that at Delitalia?---Upstairs in Delitalia there is a, an office upstairs - - -

Are they in offices - - -?---There is.

- - - above Delitalia which, which are owned by Mr Cerreto?---That's, that's how I understand it, yes.

10 Right. And who was attending this meeting?---Mr Petch was there and, and he was, also had Mr Belling with him.

Right. So Mr Petch, Mr Belling and you?---And there was myself and then Mr Goubran came in, I, I think we had already started having the discussion when Mr Goubran came.

Who organised the meeting?---Mr Goubran did.

Had asked you to attend?---Yes.

20 Did he tell you who was going to be there and what it was about?---Oh, he said it was, he prepared the, the letter to go to, addressed to Mr Ivan Petch.

So you, sorry, you - - -?---I had already prepared it.

This is before you'd sent it?---Before I had sent it, yes. I had actually prepared it and - - -

So you drafted it?---It was drafted, it was ready to be sent.

30 Had the draft already gone to Mr Goubran?---Yes. He had, he was happy with the final draft.

So whatever changes he'd suggested were to be made had been made?
---That's correct.

But it hadn't been sent?---That's correct.

40 Mr Goubran said I'd like you to attend a meeting?---Yes. He said look it's probably, I think it was more along the lines that he said to me it's probably best that, that this is explained in person to Mr Petch before rather than him just receiving it cold.

So that he would know what the letter was about when he received it?
---Yes.

And you'd already had conversations by that point hadn't you to the effect that Mr Petch according to Mr Goubran knew about this issue with Mr - - - ?---That, that's, that's - yes, that's correct.

- - - with Mr Johnson?---That's right.

Right. So you attend the meeting in the offices above Delitalia?---Yes. Unbeknown to me that Mr Petch had Mr Belling with him and I sat down with Mr Belling and Mr Petch handed him a copy of the - - -

10 Was Mr Cerreto present for this?---Mr Cerreto, 'cause - so it started at, I have a, I was refurbishing my office which is across the road from Delitalia that was being refurbished and I think Mr Goubran had suggested that we meet in my office but it was completely guttered and then he suggested look we, we go, we might meet in Norm's office upstairs, Norm Cerreto's office upstairs, I said that was fine and Norm Cerreto had been there, I made myself known and he said - - -

In, in the café downstairs or - - -?---He was in the deli downstairs.

20 Right?---I had made myself known to him he said that they were upstairs waiting for me, he came up with me.

So it was plain to you from the discussion he knew about the meeting?---Oh, it appeared to me so, yes. He came upstairs, he offered everyone if they wanted a coffee or something, he took them orders, went downstairs to obtain the coffee, I started talking to Mr Belling and Mr Petch. I think by this stage - - -

To tell them what?---About - I handed them a copy of the letter, I explained to them, started explaining to them - - -

30 So the draft of it?---No, the final, the final, the final - - -

With annexures?---With the annexures. And it was in an envelope, a sealed envelope marked to Mayor Petch. I, but I before he opened it I explained to Mayor Petch about what I was instructed about the anomaly regarding the, the reports for Mr Johnson and the general - - -

Was there any discussion at that point about the email advice from Ms Karac-Cooke?---Yes, yes.

40 And what was discussed about it?---Oh, that the, I think it was in, in the sense that they, that either myself or it was either suggested to me or someone, might have even been Mr Petch, sorry, no, Mr Belling who said have you got the whole report or the whole, have you seen the email, I said I, I had or something to that effect and I think Mr Petch may have said that he had, he indicated to me that he in the general sense was well aware of the matter.

Was there any discussion about whether that document should be enclosed with your letter?---No.

Was there anything said to you that you shouldn't enclose it with the letter? ---No.

10 All right. Go on?---No. I explained to, the letter and explained that we really wanted the matter investigated he, Mr Belling said that, who appeared to me did not really know that much about it and asked me some questions, he also, he asked me questions as, in the line of whether Mr Goubran will be looking to either re-lodge his, his application for the re-zoning using the strength of the Bunnings site across the road as a form of a precedent to have his re-zoned and whether we'd be considering those avenues. I think I got the impression that Mr Belling probably didn't really appreciate that there was no DA as such at that stage it was a mere assessment, an early stage submission was all he was talking so, but we had a bit of a chat about those possibilities and using that as a precedent and then it might have been Mr Petch indicated to Mr Belling that this was a serious matter, a serious concern in relation to Mr Dominic Johnson and, and they had a discussion about how the matter would be handled between them or by Council.

20 So what was Mr Goubran saying during this meeting?---Oh, he, he had just sat there, he wasn't engaging too much in it at this stage.

Did you think there was anything slightly unusual about being summoned to a meeting with, where your client was Mr Goubran at a meeting with the Mayor and his lawyer?---I did think that was a bit strange, yes.

30 In terms of the arm's length relationship between Mr Goubran and the Mayor?---Oh, not, not in that terms but that I was given the impression that all I had to do was, that all that was expected or the instructions were to get a copy of this to Mr Petch or Councillor Petch so he could make sure that it got to the appropriate people within Council, it got dealt with - - -

Did you have an impression - - -?--- - - - and when Mr - - -

Sorry?---Sorry, and when Mr Belling turned up and I was introduced to him as Mr Petch's lawyer I, I thought that that was a bit unusual.

40 Did you have an impression that there was something going on behind the scenes between Mr Goubran and Mr Petch perhaps?---Yes, I did, yes.

All right. Anything else that was discussed at that meeting?---No, no, as I said, it was probably a, you know, it was really probably a five minute meeting, it was, it wasn't something that was in great detail. Mr Belling indicated to me that he would get some, get advice to his client and, and the Council and he would keep us informed of any progress. He also raised with me that he - I think he threw it at me that he, he would prefer that the

matter be dealt internally by Council rather than through the ICAC but it's something that he would discuss with his client.

Now did you have any other communications with Mr Petch about this matter in period from, when you were first retained by Mr Goubran until the present time?---No, not after that meeting.

You didn't attend any other meetings where he was present?---No.

10 Did you have any communications from Mr Goubran or Mr Cerreto where they told you about Councillor Petch's involvement in this matter?---I think Mr, Mr Goubran - sorry, Mr Cerreto did mention to me that he, he had spoken to Mr Petch and that Mr Petch had informed him that the matter was referred to the ICAC.

Right. And when was that?---Probably about - at least three or four weeks after the, the initial meeting.

20 Now, there are a couple of emails in your file, can I ask you to have a look at page 896 of Exhibit 18?---Yeah.

And in view of my own handwriting I'm certainly not going to criticise yours, Mr Parisi, but if you could help us in reading what it says?---It's bad.

Is this an email in respect of a telephone call from Mr Goubran?---Oh, sorry, a file note you're talking about?

Ah, yeah, sorry, do you see that?---Yeah, yes, it is. It's a telephone call from Mr Goubran.

30 So does it say, said that he read the advice?---Oh, it says, yeah, he's read the advice from Council, said that the, the advice refers to client as John Goubran should be all the owners, John said that he is representative for all of the owners in strata plan, it's strata plan 54107. He's acting on their behalf.

And then if you go to the next page there's an email that appears to be dated 16 April, 2013?---Yes.

40 Now is this a reference to a conference attended by Mr Goubran and Mr Cerreto?---That's right, yes.

And again, in Mr Goubran's offices?---Ah, that's correct, yes.

And again if you could assist us in understanding what that says?---Has seen minutes of the meeting of 9 April.

That's a reference to the Council meeting?---Council meeting. The report to the Council was used in the meeting, Dominic Johnson addressed the Council on the Bunnings site. Need to write to Council and bring to their attention that the changed report was used once again. Should write to all owners. Oh, sorry, Should write to all Councillors. I think that's a question put to me. Can, can we - I can't read my own writing there unfortunately. If matter is before - oh, I think can we - - -

10 Write to Councillors if matter is before ICAC?--- - - - write to Councillors I think it is, write to Councillors if matter is before ICAC. Will - - -

Will advise?--- - - -and I've put will advise. Said that the Mayor had invited, I think, I think invited something on the matter and he was aware of the - - -

Problems with the report?--- - - - problems with the report.

20 This is a communication from Mr - well, are you able to say whether it was Mr Goubran or Mr Cerreto that told you those things?---Oh, I think - it was Mr Cerreto I do recall.

Right?---Mr Cerreto.

Now, there's one last matter, Mr Parisi. Excuse me. Sorry, Mr Parisi. Is it correct that this year you've been acting for Mr Cerreto in respect of another matter?---Yes.

30 And that's to do with an issue regarding payment of, for some advertising that had been placed in The Weekly Times?---That's correct, yes.

And were you instructed by Mr Cerreto to assist him in trying to sort that issue out?---Yes, I was, yes.

And can I ask you when you were first instructed in that regard?---It was 7 June, I think, 7 June, 2013.

40 2013. And did he telephone you, that is Mr Cerreto or did he come and see you?---No, no, we had been in the Ryde Local Court, we'd been on that morning, that I had been in Ryde Local Court that morning in relation to a matter concerning his house.

That's the unauthorised works that the Commission's heard about?---That's correct.

So you are acting for him in respect of that?---I am, yes.

Right?---And, and after I had, I went to court I, I met up with Norm in his office to discuss that issue.

In Coxs Road?---Coxs Road, upstairs in his office to discuss that issue. Having finished that conference Mr Cerreto then informed me that he had had this ongoing issue regarding some unpaid invoices with TWT.

Did he explain that he'd placed some ads in The Weekly Times - - -?---He did.

10 - - - for the Coxs Road master plan?---He did, he had said, he had explained to me that he had been receiving numerous demands from, from TWT via email to pay some outstanding invoices. He said that, he said that he needed to get, he wanted my help to try to get it sorted out. I started asking him why isn't it that he's not paying them and he said that there was the, he had an agreement with the Fazzolari family and the Bietola family that the Coxs Road - - -

Who owned property on Coxs Road?---That's right.

20 On the other side of the road?---Across the road in the, the shopping centre. That the Fazzolari's and the Bietola's, who are a partnership I understand, would pay 50 per cent of the costs for the Coxs Road master plan advertisements.

And just by way of brief background did he explain to you or were you aware that the Coxs Road landowners had prepared a master plan for the purpose of submission to Council?---Yes, I had been already aware of that, yes.

30 Had you received any instructions in relation to that earlier or - - -?---Yes, yeah, in about probably March or so, February or March I had received - - -

To do what?---Oh, to write to Council in relation to some issues that had come up regarding the Coxs Road master plan.

Were you instructed to write to Councillor Petch in particular or the Council in general?---I think, I think it was to Councillor Petch but it may have also been to the General Manager as well.

40 Okay?---Yeah.

So at this point in early June 2013 Mr Cerreto asks you to take up this issue. What, did he say that he'd received a number of invoices for advertising that didn't relate to the Coxs Road master plan?---No he said that the focus of this meeting was that he had what he thought paid to TWT his share of the advertising some time ago and that there was a dispute with the Fazzolari's - he didn't feel that he had to pay their share and that TWT was putting some pressure on him to pay it. Then in the course of the discussion then he

informed me that he had looked at the invoices and they were trying to charge him for things that he was not liable for.

What did he say – that they were trying to charge him for advertising that had nothing to do with him?---That he did not do, that's right. Now at this stage he – I was in a bit of a rush and he gave me a copy of the invoices and said that at this, I'll talk to the Fazzolari's and I'll see if I can sort it out with them and then I'll get back to you or something to that effect.

10 And are you able to recall were they invoices in relation to what the period from mid to June?---About May to July - - -

October - - -?---October, something like that, May 2012.

2012.---?- - - to about August or sorry September, October may be.

So they are TWT invoices to Mr Cerreto?---They were yellow.

20 Okay. And so instructed you to what, to take up the issue of what?---What, what, he was, I assumed I was going to get further instructions as we went. I had to leave earlier, I had to leave the meeting and he gave me the invoices and said that he'll first talk to the Fazzolari's and Bietola's and get back to me with it.

And did he get back to you?---He did, yes.

When was that?---Um, I think it was probably two weeks or so later, I can't recall the exact date – oh no, my apologies, it was some time, I think it was about early June by the time he got back to me.

30

Can I just ask you to have a I'm sorry Mr Parisi, sorry, you're telling us, I asked you about whether there was some further communication or instruction?---Yes, he got back to me in June probably I think I spoke to him around the 9/10 of June, may be around then, may be 11 of June and he had said to me that he had, he needed this thing sorted out, I think he had either received another demand from TWT – he specifically said that he had received a demand from Mr Booth who is the owner I understand of TWT his wife and that she was demanding payment. I asked him, well look, can you calculate what you feel you owe so I can do a letter and also I needed
40 information from him as to when he made the first instalment payment. I also asked him to forward to me a copy of these emails the demands that he had received. He said that he would do so and that on the either the 11/12 June, July rather I should say, I received a – I did receive, he copied me in on an email that he had sent to Fazzolari/Bietola family and in that email he had expressed how much he had paid and that he had also expressed that he wanted it resolved with TWT so given that, that in the circumstances he was going to pay the balance of the bill himself.

And sort it out with the Fazzolari's and Bietola's?---No, this is to Fazzolari and Bietola – he's saying look, I don't want to get involved in your argument as to why or why not you want to pay not, I understand they're good friends. I want to keep the relationship, I'll pay it so it's, so I can resolve it with TWT.

And did you then obtain information so that you could take the issue up with The Weekly Times?---That's right, yes.

10 And if you could have a look at page 2376 and 2377 of Exhibit 18. It will come up on the screen in front of you as well whatever, which one's easier to read. Is that the letter you sent?---It is, yes.

To The Weekly Times?---It is.

And did you then receive an email back which appears at 2378.---That's correct.

20 And was that the end of your involvement in respect of the, the issue about the advertising?---So far as I was concerned, yes, I thought it was resolved, as I said.

Thank you Commissioner.

ASSISTANT COMMISSIONER: Mr Parisi, there seems to be two issues raised in relation to the invoices, one is that your client was only liable for half of the advertisements that related to the Coxs Road Master plan. Then there were a number of invoices from July to September for other advertising.---Yes.

30 Were you aware of the nature of that other advertising?---I became aware of the nature of it, yes.

Which was what?---That they were political adds of some sort.

All right. So, he's saying that he wasn't responsible for them at all, is that the case?---That is right, yes, he - - -

40 Did he explain to you how he'd come to be billed for those advertisements? ---He said, he said to me that idiot Booth doesn't know what he's doing, don't know what's going on in that office. I keep getting these stupid emails for payment, I don't know why he wants me to – he's so disorganised I'm not paying someone else's bill, something to that effect. I'm only – and he specifically said to me that the Coxs Road Advertisement stopped on 4 July 2012, I'm only paying up to that date.

It appears from what you've told us although he'd raised the issue of the other family being liable for half of the Coxs Road advertisements, he'd

never raised with Mr Booth the fact that he wasn't liable for these other adds, is that right?---Oh no, he had, I think there was some email correspondence with Mr Booth.

From when?---It might have been from late last year, from about December or so late last year.

10 Where he's actually said I'm not responsible for those other advertisements?
---I don't know if those, in that context, from memory it was that Mr Booth
acknowledging that he was aware that there was this dispute between
Bietola and - - -

I'm not interested in that.---Yes.

I'm interested in whether he ever said to Mr Booth in writing prior to June 2013 that he was not responsible for those political advertisements?---I'm not aware of anything, no.

20 Did he tell, you why he'd never said that?---Oh no, he told me that he had
told Mr Booth - - -

Not in writing?---But not in – I'm not aware – he never told me that he put it in writing, no.

So there's no evidence that he's put anything in writing to Mr Booth.---No.

Despite having, it appears from your letter received those invoices in October 2012?---That's right, yes.

30 So he'd never written back and said I don't know anything about these
political advertisements?---I think in December he had a meeting – he told
me in December when he had paid Mr Booth, my instructions were that he
had told him about the dispute with the Fazzolari's and I think the – if I
understood the idea was that the balance of the account would be paid when
it was sorted out with the Fazzolari and the Bietola family.

But not that he had discussed the political advertisements with Mr Booth?
---As far as I'm aware, no.

40 Yes. Does anybody wish to cross-examine Mr Parisi?

Yes Mr Hyde.

MR HYDE: Yes, I have one question or topic if I may Commissioner.

Mr Parisi, you were asked some questions about the meeting on 14 March in the offices above the coffee shop, do you recall those questions?---Yes, I do.

Now before I ask you about that - - -?---I think the meeting was 16 March.

I'm sorry, the 16 March. You're aware that Mr Goubran would from time to time telephone Mayor Petch?---Yes sir.

And he raised a range of issues with him?---Yes.

You were aware of that?---Yes, yes.

10 And so when Counsel Assisting asked you whether you thought that there was something going on between Mr Goubran and Mayor Petch behind the scene, was it that to which you were referring or something else?---That and, and what we were talking about was in relation to the um, the anomalies in these reports and Mr Dominic Johnson.

All right. So it wasn't confined just to the last topic that you mentioned?---No.

But other matters as well?---That's right, yes.

20

Yes, nothing further, thank you Commissioner.

ASSISTANT COMMISSIONER: Thank you. Yes Mr Bender.

MR BENDER: I may have one or two questions about the people advertising Commissioner.

ASSISTANT COMMISSIONER: Yes.

30 MR BENDER: Mr Parisi, my name is Bender I appear for Councillor Salvestro-Martin. Can I direct your attention to the subject of the political advertisement for which your client denied liability. Have you seen the relevant adds at any stage?---Some of them, yes I have.

Can I ask that the witness be shown a document, I only have two copies of it, I didn't expect to have to show him this document. I'm told by Counsel Assisting, and I'm indebted to him, that he can bring up the relevant advertising on the screen which could be helpful.

40 ASSISTANT COMMISSIONER: Yes. What's the date of that advertisement?

MR BENDER: 29 August, 2012, in The Weekly Times.

MR DOWNING: Yes, 1326 and 1327 are the documents. They will be made available to tender later in the day.

MR BENDER: Thank you, I'm indebted to Counsel Assisting. If you just scroll to the bottom of that page, please, and you can see what I think is part of an advertisement and the other part I believe is either on the previous or the next page, we might try the next page first. Yes, that's it. Do you recognise those advertisement as being of the nature of the advertising that your client denied being liable for?---Yes, they are.

Thank you. No further questions.

10 ASSISTANT COMMISSIONER: Thank you. Yes, yes, Mr Neil.

MR NEIL QC: Commissioner. Mr Parisi, I appear for Mr Cerreto. Can I take it that when you were informed I think by Mr Belling that the Council would refer the matter of Mr Johnson's reports to the ICAC, that meant that you didn't make any reference yourself to the ICAC?---No, that's right.

All right. Thank you. Now, in terms of the advertisements, I just want to ask if you could look at a few documents which I think we have provided to – either we or some other legal representatives, perhaps your own, have
20 provided to Counsel Assisting. I just want to check that – if I could hand them to Mr Downing first.

MR DOWNING: Yes, I have seen it.

MR NEIL QC: Thank you. Could they be shown to the witness, please?

MR DOWNING: No difficulty with that.

MR NEIL QC: Two of those emails to you from Mr Cerreto and one an
30 email to Mr Favolato copied to you?---That's correct, yes.

All right. I just want- - -

MR DOWNING: Is it Mr Fazzolari or is it someone different?

MR NEIL QC: Fazzolari, I'm sorry. Thank you. Could invite Counsel Assisting to tender those?

ASSISTANT COMMISSIONER: Yes. Could I see them please?
40

MR NEIL QC: Yes.

ASSISTANT COMMISSIONER: Yes, do you wish to tender those, Mr Downing?

MR DOWNING: I do, Commissioner, thank you.

ASSISTANT COMMISSIONER: Yes, yes. These emails from Mr Cerreto will be Exhibit 20.

#EXHIBIT 20 - SEVERAL EMAILS FROM MR CERRETO

10 MR DOWNING: And I don't have copies. I wonder if my friend could make some available and we can have them more widely copied and distributed.

MR NEIL QC: Thank you very much. And could I ask if the witness be shown the documents for tender – Charles Parisi which I think are Exhibit 18? Thank you.

ASSISTANT COMMISSIONER: Do you want him to have the emails, Mr Neil? No? Yes?

20 MR NEIL QC: Oh, well, perhaps I'll return to those because I want to go to another email first. Thank you. Do you have those documents that are starting at 854 through to 2378?---I do, yes.

Could I just ask you to look please at the letter at 2376. It actually has on it the date of 14 June. Correct?---Yes.

Now, at 2375 is an email saying, "Please see the attached."?---Yes.

And can we take it the attached is the letter starting at 2376?---It is, yes.

30 That being dated the 14th but apparently having gone out on the 17th with the email. Is that right?---That's correct, yes.

So can we take it that your instructions in relation to the – can we take it the 14 June letter was prepared on that date?---That is right, yes.

But went out on the 17th?---That is correct, yes.

40 And was the letter of 14 June date, although it went out on the 17th, based on instructions you had received on or before the 14th?---That is correct, yes.

Thank you. And could I ask, Commissioner, if the witness might be shown the last series of emails, Exhibit 20, thank you?---Yes.

The – I think you told Counsel Assisting that your first – or you did have a discussion with Mr Cerreto about this dispute on 7 June, 2013. Correct? ---That is right, yes.

And the first part of the discussion was about he and the other businesses, Fazzolari and Bartoli and their respective positions?---Yes.

MR DOWNING: Could I just clarify, is that Bietola?

MR NEIL QC: Bietola, I'm sorry. Can't read my own notes. And then it moved on to him denying that he had to pay for any of these advertisements in the September period which was the election period?---That's right, yes,

10 And did he maintain to you that he had nothing to do with election advertising?---That is correct, yes.

And you subsequently got the two emails that are directed to you and the one that's a copy. Is that right?---That is right.

That are part of Exhibit 20?---Yes.

Yes. Yes, thank you, thank you, Commissioner.

20 ASSISTANT COMMISSIONER: Thank you, Mr Neil.

MR STANTON: For Mr Goubran, please.

ASSISTANT COMMISSIONER: Yes, Mr Stanton.

MR STANTON: Mr Parisi, I appear for Mr Goubran. Mr Parisi, you were as his attorney subpoenaed to produce your file concerning the Bunnings site, if I may call it that?---Yes, I was.

30 And you produced the whole file?---I did, yes.

Yeah. And so I take it from within that file the instruction sheets that appear at 896 and 897 are examples of what you took as instructions from time to time?---That is right, yes.

And it was your habit as an attorney – how many years by the way, Mr Parisi, have you been a solicitor?---19.

19?---19 years.

40

To take instructions wherever possible in a file note on matters of significance?---Yes.

And of course Mr Goubran indicating he wasn't the owner or the prime mover of the application but rather a representative of the strata corporation was a matter that he was concerned about?---Yes, he had said that to me, yes.

Now, my learning friend, Mr Downing, opened to this Commission at page 12 of the transcript, and I'll read it to you at lines 34 if I may. "The land concerned was the subject of a Development Application by Mr John Goubran, an associate of Councillor Petch." Now, as his solicitor was there any Development Application lodged by Mr Goubran personally- -?---No.

- - -in respect of College Street?---No, there was not.

10 Was there ever a Development Application?---No, not as far as I'm aware, no.

And insofar as that statement was made by my learned friend, Mr Downing, certainly they weren't your instructions?---No, no, not at all.

Or your knowledge?---Not my knowledge, no.

And I think you've already given evidence that there was no DA in place? ---No, there wasn't, no.

20 It was a submission merely – when I say merely, it was at the submission stage prior to any Development Application being lodged?---That's correct, yes.

And you've at times in the evidence used the expression, "he may have also said," or, "he could have said." Fair to say, sir, your recollection is not that accurate?---Oh, not, today not 100 per cent, no.

30 And you were cross-examined by my learned friend, Mr Downing, at some length as to Mr Goubran giving you instructions about not putting in Ms Cooke's email?---That's right.

There's nothing in writing to that effect, is there?---No.

And nothing clear in your mind that he was ever seeking to withhold that from the Council?---Today, no.

No. Thank you. Now, you received the advice from Mr McNally?---I did, yes.

40 A person of some degree of eminence at the bar, is he not?---Yes, he's Senior Counsel.

Yes, Senior Counsel. And someone whom you had great faith in, in terms of his professional capabilities to advise you on the material submitted to him as per Mr Goubran's request on behalf of the strata body?---Yes, yes, of course.

Now, just finally if I may, please, Mr Parisi, the attendance of Mr Cerreto at the meetings that you've referred to, was that something that you expressly asked Mr Goubran to cease and desist with?---No.

And in so far as Mr Cerreto was there was he at, there at Mr Goubran's consent?---It appeared to me he was, yes.

But effectively a passive role?---That is right, yes.

10 If I might call it a cameo role it's - - -?---Yes.

If one were to typify it?---That is correct, yes.

And when he wrote the email to you, you indicate to Mr Goubran it wasn't professionally appropriate?---No, to Mr Cerreto I did.

So to Mr Cerreto?---Yes.

20 And you told Mr Goubran also that - - -?---I don't think I ever raised it with Mr Goubran.

So, so I misunderstood the evidence. Did you raise it with Mr Goubran that Mr Cerreto's email wasn't at all - - -?---No, I did not.

- - - de rigueur so to speak?---No, I don't believe I ever did, no.

Thank you. Nothing further, thank you, Commissioner.

30 ASSISTANT COMMISSIONER: Thank you, Mr Stanton. Yes. Nothing else, Mr - - -

MR DOWNING: Just one matter in re-examination, Commissioner.

In the course of your answers not long ago you indicated that your letter to The Weekly Times of 14 June - - -?---Yes.

- - - was actually sent on the - - -?---17th.

40 - - - 17 June. But you received the instructions on the 14th?---No. I received the instructions earlier on.

I'm sorry?---Yeah. The, the instructions to do the letter I think came on about the 12 June.

Do you recall that on 14 June you received by email the summons addressed to Mr Cerreto to appear before the Commission?---That is correct, yes.

And you acknowledge receipt of that, that morning?---I did, yes.

And you had a discussion before receiving it with one of the ICAC staff members?---I did, Anne-Marie Robinson, yes.

Did you inform Mr, Mr Cerreto on the day that he'd been served with that summons?---Yes, I did.

And did he say anything to you about matters that he understood ICAC might be interested in?---No, he did not, no.

10

Did he say anything to you about a concern about payment for particular advertising in The Weekly Times being a matter that ICAC might be interested in?---Not in that conversation. On that day the - I'd had an earlier conversation with Mr Cerreto about the letter to TWT and he had sent me an email the first thing that morning, yes, if I recall correctly. I had received a telephone call from the ICAC expecting a summons, it'd be - I think it was to the effect that it was going to be prepared and will it be emailed to me and whether I could accept service, indicated I could. I then called Mr Cerreto informing him of what I just been advised by the ICAC and that was fine with him. I then, I had dictated the letter either a few minutes or so earlier, this is all happening around the same time the letter to TWT but hadn't finalised it as yet, it hadn't been typed, I had a discussion - - -

20

When you say you obtained instructions to send that letter?---Oh, I think it was the 12 June from, from - - -

ASSISTANT COMMISSIONER: Sorry, when did you first have contact from the Commission? You had a phone call saying a summons was going to be - - -?---I had a phone call at 9.00, 9.30, 10 o'clock in the morning.

30

On what, on the 14th?---On the 14th.

So that's the first contact you had had from the Commission about a summons for Mr Cerreto?---No, no, there'd been, there'd been a previous summons for Mr Cerreto. It was a - he'd been summons again a second time.

Well when was the earlier?---Oh, a month earlier.

40 A month earlier?---Yes.

Thank you. Yes.

MR DOWNING: And, Mr Parisi, I take it when you received the summons that day you looked at it and, and saw what it said about the scope of - - -?--
-Yeah, I did, yes.

- - - examination?---I did.

And did it include matters related to the advertising?---It did, yes.

And I take it you conveyed that to Mr Cerreto?---Not at that point, no.

10 You didn't tell him what - - -?---No, I'd sent him the email, yes I sent him a, an email had forwarded to Mr Cerreto the email that I had received from the ICAC which included the summons and I may have had a, I think I had, I did have a discussion with him in relation to the summons it was more in particular about the date of the summons and informed him to make himself available on that date. I then because I had prepared the, prepared the letter earlier on that morning to TWT and - - -

20 Are you certain that that's the order, that you didn't prepare the letter after receiving the summons and speaking to Mr Cerreto?---No, I, I had prepared in so far as I dictated the letter, it had not been typed as yet. I then had some concerns in my mind as to whether this letter should actually be now sent because it appeared to me that sending the letter to TWT was a reaction to the ICAC summons, that, that was in my mind at the time. I did not send the letter to Mr Cerreto to settle until I satisfied myself it was, it was suitable to do so, to send the letter to TWT. At about 5 o'clock that evening I called counsel who I had instructed in the matter and raised it with him. In essence he had the advice well, I had said to him that we had an email trail of the instructions, noted some concern. He said well, look, if there's an email you had prior instructions, you know, send the letter, there's no issue in relation to it. Later that evening, probably about 5.30 on the 14th the first draft of the letter was sent to Norm to get his okay. It accidentally attached the wrong draft of the, of the letter, the proposed letter, so I sent another email immediately after that sending him the final version of the letter. I let that, I left to go home and in, while in my car going home he has, Norm has called me on my mobile and advised me that the letter was fine and to send it so I sent it first thing Monday morning which was the 17th.

30 ASSISTANT COMMISSIONER: I'm sorry, what are you referring to as the email trail of instruction?---Oh, there, there was the, the discussion, there was a discussion with Mr, Mr Cerreto earlier on and on, I think it was about the 12th, 11 or 12 June he had informed me about, instructed me about this letter having to go out, to sort out.

40 By email?---By email, well, he had sent me an email saying - - -

He sent you an email on 12 June?---I think it was the 12th, yeah, one of the ones that was exhibited, my apologies, I've got, I've got a copy of it here, Commissioner.

Sorry, what exhibit is it?

MR NEIL: I think it's 20, Commissioner.

ASSISTANT COMMISSIONER: Can I see Exhibit 20. I didn't think any of these emails referred to political advertising that he wasn't - - -?---No, my apologies, those emails are in relation to sorting out this John Booth invoices.

10 So there's no email trail that shows you had prior instructions about the political advertising issue?---Oh, look, I never had instructions in relation to the political advertising at all. My instructions were can we sort out these emails, these invoices that John Booth is seeking payment for.

Well, the letter you subsequently wrote after the - or started to draft and finalised after the summons was received does refer to his - - -?---No.

- - - not being liable for other invoices that's all?---That's right, and - - -

That's the political advertising?---And they are the political ads, yes.

20 All right. And so there's nothing in these emails that shows you had instructions to dispute those invoices prior to 14 June?---No, well, prior to 12 June.

Well - - -?---I have instructions in relation to the matter - - -

But the invoice of 12 June doesn't talk about the political advertising at all? ---No, no he doesn't, no, this is - - -

30 So there's no email that refers to instructions to dispute the political advertisements?---No, not as far as we know, not to me, certainly, no.

No, thank you. Yes. Anything else?

MR DOWNING: No.

ASSISTANT COMMISSIONER: Thank you. Well, we will adjourn until 2 o'clock.

40 **THE WITNESS EXCUSED** [12.59pm]

LUNCHEON ADJOURNMENT [12.59pm]