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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 2.02PM

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.

<CHARLES PARISI, on former oath

[2.02pm]

ASSISTANT COMMISSIONER: Thank you, please be seated.

MR DOWNING: I don't think we formally excused Mr Parisi before lunch, Commissioner, and I wonder if we could do that.

10 ASSISTANT COMMISSIONER: Oh, yes. Mr Parisi, thank you, you are now free to go, you are excused---Thank you.

ASSISTANT COMMISSIONER: Thank you.

THE WITNESS EXCUSED

[2.02pm]

20 MR DOWNING: Thank you, Commissioner. The next witness will be Justin Li.

MR GRIFFIN: Commissioner, while Mr Li's coming forward, can I seek a section 38 declaration on his behalf. Can I indicate that he'll make an oath and can I ask for a suppression order in respect to the identification of his current employer. Mr Li is a solicitor who is employed by a manufacturing company. He has assiduously kept his professional and his council life separate. He doesn't wish to be contacted at work or approached by anybody at work and in our submission the identify of his employer would be irrelevant to this inquiry.

30 ASSISTANT COMMISSIONER: Yes, it is irrelevant. I will suppress the name of Mr Li's employer.

THE NAME OF MR LI'S EMPLOYER IS SUPPRESSED

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.

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.

ASSISTANT COMMISSIONER: Could the witness be sworn, please.

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Li, could you state your full name for the Commission, please?---Yes, it is Justin Wing Pan Li.

10 And your date of birth?---30th of November, 1981.

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

And you are a Ryde Councillor?---I am.

And you have been since, since September 2008?---Yes.

So you were elected, what, in September 2008, re-elected in September 2012?---Correct.

20

Now, in your time on Council I take it you're well familiar with the Ryde Civic Precinct redevelopment project that is a matter before Council?
---I am, yeah.

And can I ask you to have a look at a document which is at page 385 of Exhibit which is a notice of motion which came before Council on 8 May. Hopefully that will be on the screen in front of you?---Yes, I can see.

30

Accept from me that these are the minutes of the Council meeting held on the 8 May 2012 and do you see that this is a particular motion in respect of a Civic Centre redevelopment community advisory committee?---Yes.

Do you have a recollection whether it was Councillor Petch who came up with the idea of the creation of this committee?---I believe he showed me the wording of the motion perhaps at a Council meeting the week before and he, and I said I was happy with it and I said I was and then I believe the motion was then lodged.

40

You'll, you'll see from the, the minutes of the meeting that was it moved by Councillors Petch and Tagg?---Yes.

But your recollection is that he showed you the proposed wording for the motion?---I'm pretty sure he showed me the proposed wording because if you look up the top next to the digit 1 notice of motion see it's got all six Councillors names on it and so we would have all agreed to the wording of that motion.

But is it your recollection that the person who effectively came up with the idea of the creation of this committee was Councillor Petch?---I believe so.

And were you, I take it you were at the meeting on 8 May when this motion was put up?---Yes.

10 And is it the case that by this point that is 8 May 2012 that there was a fairly established division in Council as to people in favour of and against the Ryde Civic Precinct redevelopment project?---I think that's fair to say that, yeah.

And that Councillor Petch and you were part of the group that was opposed to it?---Yeah. Six Councillors were opposed to it and the names of the ones printed in that notice of motion.

And had those six Councillors met from time to time over the period from about say October 2011 through until this point in May 2012?---Yes, they have from time to time.

20 To, to discuss amongst other things this issue that is the Ryde Civic Precinct redevelopment?---Yes.

And did those meetings continue up until the September 2012 Council elections?---Yes.

I take it that you were content with the wording of the motion that Councillor Petch brought to you?---I was, yeah.

30 And do you have any recollection prior to the actual motion being presented to you and been, you been given a chance to look at the proposed wording of Councillor Petch suggesting to you the idea of creating some form of community advisory committee?---Not before the previous week when the notice of motion I believe was lodged so I don't recall any discussion like that.

So putting aside the actual detail of it because you say it was, the detail that was shown to you by - - -?---Yeah.

40 - - - Councillor Petch was that the week before?---I - it would be close to, yeah.

But putting aside the actual point by point detail of it did you, do you recall any earlier discussion about the, the notion of a committee of this type, that is a committee that would have the whole, the Ryde Civic Precinct redevelopment project referred off to it to consider so that the project could be effectively put on hold while that process was undertaken?---Yeah, I don't recall any prior discussion.

And you're aware aren't you that this motion in the form that Councillor Petch had put it up was ultimately not passed?---Correct.

Do you recall after that, that is after the motion to put in not passed there being any discussion between you and Councillor Petch or indeed amongst all of the Councillors opposed to the Ryde Civic Precinct redevelopment about what to do next?---Not apart from putting a rescission motion I believe.

10 Okay. Now on 9 July 2012 you're aware aren't you that Councillor Petch signed a document seeking an extraordinary meeting, a Council meeting for the purpose of a motion to terminate Mr Neish's employment?---Not at the time. I received the letter when it was circulated by Council staff, I believe it would have been on 10 July.

Can I ask you to look at the document which appears at pages 72 and 73 of Exhibit 2 and if we could just scan down through that to the next page. It's a letter to the Mayor and cc'd to Mr Neish, signed by Councillors Tagg and Petch?---Correct.

20

Is that the letter you're referring to?---Yeah.

So do you recall any discussion before this letter was circulated about the proposal of seeking the termination of Mr Neish's employment?---My only recollection was I believe there was a voicemail left on my mobile from Councillor Petch and it would have been in or around 9 or 10 July and the voicemail was to the effect that he was calling for an extraordinary general meeting to terminate Mr Neish's employment because he wanted to stop the Civic Centre project.

30

That's Councillor Petch wanted - - -?---Councillor Petch. He left the voicemail, I didn't have time to get back to him and the next thing I saw was this letter which was circulated by Council staff and yes, it had my name and other anti-Civic Centre Councillors' names.

As being in favour of - - -?---Yeah.

In support of the meeting?---That's correct but I, there was no prior agreement to submitting that letter.

40

But I take it you weren't troubled by the fact that your name had been put on the letter as someone who was in support of this motion for an extraordinary meeting?---At that time I hadn't really made up my mind but there was going to be a period of time between that letter and when the meeting would have been called on 23 July.

So you don't have a recollection of, just dealing with the period of time, the motion seeking the creation of the advisory committee went up on 8 May - - -?---Right.

- - - and, it didn't pass then?---Yeah.

This letter is circulated on 9 July but I think you say you became aware of it on 10 July?---9th or 10th.

- 10 In that interim period between those dates do you recall any discussion with Councillor Petch about his desire to seek the termination of Mr Neish's employment?---No, I don't.

Do you recall Councillor Petch expressing the view that he, he believed that he would need to seek the termination of Mr Neish's employment, the motion to try and effectively defer the Ryde Civic Precinct project having been put up and failed?---Sorry, can you repeat the question?

- 20 Well, the motion that was put up on 8 May which didn't pass - - -?---Yeah.

- - - to seek to create a community advisory committee?---Yeah.

Part of that was to refer the project off to the committee that was to be created and to in effect put on hold the tender process and any attempt to enter into an agreement to actually bind the Council?---Yes.

So it was to defer things so that nothing happened before the election?
---Correct.

- 30 That having been put and not having been passed, do you recall after that date leading up until 9 July, Councillor Petch suggesting that the step he would need to take was to seek the termination of Mr Neish's employment because the attempts to in effect prevent him from entering into an agreement to progress the Ryde Civic Precinct redevelopment had failed?
---So I, I don't understand there was any connection between the committee that was proposed back in May and which failed and the employment of Mr Neish and the - the only recollection I have is that voicemail from Councillor Petch saying he wished to call the extraordinary general meeting to terminate Mr Neish's employment and, and that is to stop the Civic
40 Centre project.

From going ahead?---That's right.

So by July was there a concern amongst the Councillors of which or the block of Councillors of which you were one opposed to the project that perhaps the Council might be bound to an agreement for the project to go ahead if something further wasn't done?---There's been ongoing concern because the debate had been going on 'cause the debate had been going on

for a good part of six or seven months by then and we had thousands of submissions from local residents opposed to the project and hundreds of them would turn up to a Council meeting and so there was a real pressure on Council to stop the project and to change its decision.

10 So I take it - I withdraw that. Is what you're saying that Councillor Petch had expressed to you that he wanted to stop the project going ahead and that this attempt to have Mr Neish's employment terminated was a means of trying to achieve that?---To the best of my recollection that was what the voicemail said.

Right. Now, do you recall any discussion amongst the Councillors who were seeking the termination of Mr Neish's employment about the terms on which his employment might need to be brought to an end?---There was – you mean any discussion between the date of the letter and the extraordinary general meeting?

20 Well, around the time of the letter being circulated and the motion being filed, if I can put it that way, do you recall there being any discussion about whether getting rid of Mr Neish might involve having to pay him out under his contract or something of that nature?---I don't remember any meetings per se and I've been trying to look through my old records, diaries and logbooks and everything and I couldn't find any meetings between the date of the letter that was on 9 July and the 23 July when the meeting took place. I have seen some emails that were circulated and one of those emails had a legal opinion in it – it was from a barrister by the name of John Garnsey QC.

30 Yeah?---And he gave advice on how Mr Neish's employment contact could be lawfully terminated and, and I believe there was some reference in that advice to paying out the contractual entitlement under his contract.

With a certain number of weeks' pay- - -?---Correct.

- - -having to be paid if he was to be terminated?---Yes.

40 And do you – is your understanding that where no cause could be established for terminating the contract there was nonetheless a right to terminate provided you paid out a sufficient period of weeks of pay in lieu? ---Correct. So I think there were numerous provisions in his employment contract which allowed termination under different circumstances, there was summary dismissal, there was termination for poor performance and, and there would be a certain number of weeks of notice or compensation in that case, and then there was one clause in there which allowed for basically termination without cause by paying, I believe it was 38 weeks' pay.

And is it your understanding from discussions with the Councillors who were opposed to the redevelopment and in favour of seeking the termination

of Mr Neish's employment that it was termination on that basis, that is with no cause but to pay him out for 36, sorry, 38 weeks that was being sought in his case?---I believe that was the advice of the barrister and, and that was what was ultimately reflected in the notice of motion.

10 Do you recall whether there was any discussion amongst the Councillors who had sought the extraordinary meeting and wanted to bring that motion seeking the termination of Mr Neish's employment about that being the best option, that is it's better to sack him and pay the 38 weeks in order to stop him taking the Ryde Civic Precinct project any further?---So I can't remember any meetings or discussion between 10 July and 23 July. There could have been a meeting, I just can't remember now. For my part, I was only concerned about the, the legal opinion which was how the employment contract could be terminated and that the motion reflected that.

Well, that indicated what would be legally available to the Council?---Yeah.

20 But do you recall any consideration being given or discussion about whether it would be in Council's interest to bear the cost of having to pay out 38 weeks' pay in order to get rid of Mr Neish and therefore stop the Ryde Civic Precinct redevelopment?---No, I don't, I don't recall any discussion. I mean by that time, because the debate over the Civic Centre project had been so acrimonious I believed the developed had really just soured relationships between Councillors and the General Manager and, and between Councillors and so it wasn't a case of termination for poor performance or anything, it was recognition that the relationship had broken down.

30 And had it largely broken down to your understanding over Mr Neish's handling of the Ryde Civic Precinct redevelopment?---Correct.

40 And the fact that he appeared to be progressing it in accordance with a resolution that Council had passed earlier - I withdraw that. The previous year that he was to undertake an Expression Of Interest and, and a request for tender process and to report back by August 2012?
---Yeah. So by July a critical mass of residents I think had lost confidence in the development and, and the process of consultation and ultimately I think Mr Neish was identified as the brains or the driver of that development and he, he was always able to show, of course he had the votes of six out of 12 councillors on Council including the Mayor's casting vote so yeah, he had the Council resolutions in place.

Would you agree with the proposition that Councillor Petch was the driving force of the block against the Ryde Civic Precinct redevelopment?---I don't know he was the driving force, I mean all six of us were against it, I suppose he pushed it strong, stronger than some others.

Well in respect of a motion I showed you before you indicated that it was he who came to you with the, the proposed wording of it?---Correct.

Would you accept that he was perhaps the leader of the block when it came to opposing the Ryde Civic Precinct redevelopment?---Certainly he came up with these ideas about the committee and then this motion to call an extraordinary general meeting.

10 Now you've referred already to the, the actual extraordinary meeting which was held on 23 July and you're aware aren't you of the fact that the motion was passed with an immediate rescission motion then being filed?---Correct.

And then the Supreme Court proceedings being commenced whereby an injunction was sought to prevent the termination of Mr Neish's employment in effect?---Correct.

20 Do you recall any discussion with Councillor Petch or others in the, the block that was opposed to the Ryde Civic Precinct redevelopment after the injunctions were passed, sorry, were granted as to whether another way could be found in order to end Mr Neish's employment despite what had happened in the Supreme Court?---Do you mean in the first proceedings or the second one after ICAC intervened?---It was a set of proceedings commenced by the Council - - -?---Correct.

- - - and a set of proceedings commenced by ICAC - - -?---Yes.

30 - - - and they, and when matters came before the court they were heard together?---Yeah. So we weren't aware of ICAC's involvement until I think it was late September when ICAC intervened in a Supreme Court proceedings and, and Councillor Petch gave an undertaking on behalf of the Council that we would not take steps to terminate Mr Neish's employment. So after that undertaking was made I think Council were, Council as a whole was very careful not to act in breach of the undertaking and we had a Council meeting I believe it was in October where that very issue was actually debated in Council as to how I suppose council goes about managing Mr Neish's employment day to day given the undertaking. By that time it was quite clear that Mr Neish had the support of perhaps at most maybe three out of the 12 Councillors in the new term of the Council and there was a discussion that night - - -

40 So this is after the Council elections?---After that and Councillor, I believe it was Councillor Maggio that night raised the question of whether it was possible to suspend Mr Neish on pay and then there was a discussion then as to, does that fall within the undertaking because the undertaking referred to termination only and, and I remember at that meeting I, I provided my view which was the suspension may or may not contravene the undertaking but nevertheless it was risky because we weren't aware of his disclosures back in July when we voted to terminate his employment but now that we are so aware it, the suspension could be considered detrimental action and, and that there could be liability if we acted on that so I suggested the prudent course

that night was for Council to obtain some independent legal advice which would help guide Council on how to manage Mr Neish's employment going forward and I believe there was a resolution passed that night to that effect which yeah, empowered the Mayor to obtain that advice.

Just thinking for a moment about discussions that you and Councillor Petch, who was Mayor after September 2012 elections, had, do you recall the first judgement in the Supreme Court proceedings was one of Justice McCallum on 14 August which he granted urgent injunctions?

10

UNIDENTIFIED SPEAKER: Can't hear.

MR DOWNING: Oh, I'm sorry. The first judgement in the proceedings was one of Justice McCallum- - -?---Correct.

- - -on 14 August, 2012 where she granted urgent injunctions. Do you recall any discussion with Councillor Petch after that time leading up until early February this year about whether notwithstanding the orders the court had made, a way could be found in order to terminate Mr Neish's employment?

20

---I think Mr, Mr Petch's view was we, well, we can't terminate his employment because of the undertaking but the reality was the relationship was broken, it was broken back in July when Council voted to terminate his employment and fast forward a couple of months after the election, nothing had really changed, you know, there was a lot of tension still between the Mayor and the General Manager and between some Councillors and so it was a very unhappy work environment for everybody and I think Councillor Petch's view was if Mr Neish sought to negotiate an exit the Council could be receptive to, to that. But it wasn't, it wasn't Council taking the initiative to terminate his employment because we knew that that would be in breach of the undertaking.

30

So is it the case that you don't recall Councillor Petch expressing a desire to try and find a way, notwithstanding the orders in the Supreme Court, to terminate the employment?---After the Supreme Court proceedings when ICAC intervened and he gave the undertaking I don't recall discussions after that time to find a way to terminate him.

Can I ask you about a different matter now. In the course of the lead-up to the September 2012 elections you had advertising placed for purposes of trying to support your candidacy as a Councillor?---Ah hmm.

40

And can I ask you to have a look at some documents. There are some documents from – which I'll ask you to look at, they're invoices from The Weekly Times and advertisements from The Weekly Times, but there's particular pages I want you to look at. There are two sections of them here, the first part are just the invoices and the second part are invoices and the advertisements. Commissioner, can I tender these at this point and we'll have copies made available for the parties. There are a series of

advertisements, sorry, the first part of the bundle are pages 1336 to 1340 and the second part, pages 1302 to 1332. I'd ask – well, I tender those as one exhibit, Commissioner.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 21.

#EXHIBIT 21 - WO BUNDLES OF COPIES OF INVOICES AND ADVERTISEMENTS - THE WEEKLY TIMES

10

MR GRIFFIN: Commissioner, might I get access to that tender?

MR DOWNING: We do have copies which will be provided.

MR GRIFFIN: Thank you. Perhaps they could be provided during the examination of Mr Li?

20 ASSISTANT COMMISSIONER: Yes, I think – will they be shown on the screen, Mr Downing?

MR DOWNING: They will.

ASSISTANT COMMISSIONER: Yes.

MR GRIFFIN: It's a bit hard- - -

ASSISTANT COMMISSIONER: They'll also be on the screen, Mr Griffin.

30 MR GRIFFIN: Thank you.

MR DOWNING: Now, the particular page I'd ask you to have a look at is 1326 and 1327 and it might be easier to look at the paper copy just because you can then have them both open at the one time rather than having to scroll down on the screen?---1326, was it?

It is. Do you see at the bottom of 1326 - I withdraw that. You see at the top that this is a page from The Weekly Times of 29 August, 2012?---Yes.

40 And you're aware that this is just in the lead up to the elections that were held I think on 8 September, 2012?---I think that's right.

So if you look at the bottom there's an advertisement there of various Councillors in the Central Ward, West Ward and East Ward?---Yes.

And if you actually look at 1327 it looks like that's actually the beginning of the ad, if you look at the page numbers 1327 appears to be page 18 from The Weekly Times and 1326 appears to be page 19. It's an advertisement

on behalf of what are described as six Councillors fighting to prevent the Civic Precinct redevelopment or the Civic Centre development?---Yes.

Have you seen this ad prior to today?---The very first time I saw this ad was in the online edition of The Weekly Times and that was on 28 August. Now, you see there the - - -

10 That's the day before the actual paper publication came out?---The publication date of The Weekly Times is officially Wednesdays of each week but the online edition comes out the Tuesday evening before that and in fact some hard copies are printed and Mr Booth usually brings them to the Ryde Council Chambers on, on the Tuesday. So the very first time I saw this ad was in, it was on the evening of 28 August. I hadn't seen this ad before that time.

Now, The Weekly Times is obviously a local paper you're familiar with? ---Yes.

20 You advertised in it yourself to promote your candidacy from time to time didn't you?---I have, yeah.

And including indeed you advertised in it in the lead up to the September 2012 elections?---Well, looking through the bundle yeah, there are some ads that I have put in place in, in The Weekly Times.

Could you give me an example of one that you placed?---So on page - - -

30 Using the numbers in the top right corner?---The second last page, is that - 1331.

ASSISTANT COMMISSIONER: Yes, it's not easy to read but it is 1331 I think.

MR DOWNING: And is that your ad in the top right corner which starts "Why I support Independent Councillor Justin Li"?---Yes. So that, that was an ad I had placed with the paper, had my campaign photo in it and was authorised by the person who authorised my other advertisements during the campaign.

40 Okay. Well, if we then go back to 1327 do you have any knowledge of who it was that created this ad?---No, and at the time I remember I was a bit curious myself because I saw it for the first time on that Tuesday evening and I looked up the Save Ryde website but the - - -

Had you heard of Save Ryde at that point?---No, that was the first time when I saw the ad in the paper.

Did you observe according to the ad it was authorised by various people including you?---I'm not sure I noticed the fine print at the time but I certainly tried to find out who put the ad in there by looking up the website but the website was broken so the website wasn't working at that time and, and so yeah, that didn't shed any further light on the issue.

10 Did you, did you speak to any of the other Councillors who were identified in the advertisement?---So after I, I saw the ad on line I saw some emails because I was checking my computer and I saw some emails from some Councillors on that day. There an email from Councillor Tagg which attached some artwork which was similar but not the same as this particular ad.

Was that an email from Councillor Tagg to you alone or circulated to others in the block opposed to the Civic Precinct redevelopment?---It was circulated to the group.

20 To the six Councillors?---Yeah, so - and the email said something like this ad's going in The Weekly Times ah - - -

Sorry, from and that was from Councillor Tagg?---Yes, I believe that's right. And then there was another email from Councillor Perram. I think basically asking the question who put this ad in there or who, who paid for it.

So was the order, there was the first email from Councillor Tagg - - -?
---Correct.

30 - - - enclosing this and saying this is going in, Councillor Perram then responds with a copy to the group asking who put this in?---Yeah, something like that yeah.

And was there a response to that?---No, and then I replied I said look, I said this ad's already in the paper this week because I just saw it online but I also pointed out as matter of fact the, the website didn't work, so I think implicit my, my comment was why are we being shown this ad now when it's already been published.

40 Weren't you a bit curious though about the fact that you're a candidate at running for election - - -?---Ah hmm.

- - - you understand that there's law that applies to the way in which electoral advertising can be placed and has to be disclosed?---Yes.

And the way in which receipt of monies or gifts have to be disclosed?---Ah hmm.

You obviously had been careful in the way in which you'd placed ads and kept records of the ads - - -?---Correct.

- - - for the purposes of the election?---Yes.

10 You had someone who was permitted to authorise ads on your behalf. This is an ad that promotes you for election which you see for the first time online having had no knowledge of it being placed?---Correct. But I was aware there could be third party campaigners, those, as I said a separate category of people under the election disclosure laws, third party campaigners can incur electoral expenditure, they can put in as to promote whatever issues of candidates they please.

But, but surely you must have been concerned enough to look at who had actually authorised this ad according to the, the artwork or the, the ad itself?---yeah. Well - - -

Because you say third party campaigners might place ads - - -?---Yes.

20 - - - but they would have to identify who had authorised the ads wouldn't they?---I'm not familiar but it would be their responsibility to do so.

ASSISTANT COMMISSIONER: And also they have to be registered third party campaigners don't they?---I believe that's, that's correct but I've never been third party campaigner I'm just aware there's a concept of third party campaigners.

30 MR DOWNING: But weren't you concerned that this referred to a website which you're trying to log onto and couldn't, didn't work but it identified you as a person amongst the others, amongst a number of others who had authorised this ad. Were you not curious to find out how it came to be that you'd authorised an ad without actually knowing anything about it?---Yes. I go back to what I said, I'm not sure I noticed my name was one of the people authorising the ad at the time I would have had a very quick look. I saw the website and - - -

Can I ask you this - - -?---Yeah.

40 - - - in the course of the email exchange that then went around - - -?---Yeah.

- - - that day you say that it was emailed, the artwork was emailed by Councillor Tagg - - -?---Similar artwork.

- - - and councillor Perram then posed the question who, well what was it, was it who created this or who put this in?---Something, yeah, something along those lines.

ASSISTANT COMMISSIONER: And I think he said who paid for it?

---Yeah.

Did he ask who paid for it?---He, he did, yeah.

MR DOWNING: Well surely at that point you must have been slightly motivated to look at what they actually said in terms of the authorisation?

10 ---No, but look it was the last two weeks of the campaign I was just extremely busy, I was working 16 to 17 hours on the campaign and you know I, I only have a short period of time to look at emails, so no, I tried to look up the website couldn't find out who was responsible and then there was a final email from Councillor Tagg saying he didn't know who was, who was putting in the ad.

Well hang on Councillor Tagg first circulated the - - -?---Yeah.

- - - the artwork and said this is going in?---Yes.

And you say he then responded and indicated that he didn't know who was placing it?---That's, that's what the email said.

20

Did you find that curious?---I didn't have too much time to consider it at the time so, like I said I was, I was very busy, it was the second last week of the campaign and I was organising a lot of things, all the logistics for election day, I didn't - - -

Did you, did you either email or speak to Mr Petch about this?---No, I didn't.

Do you recall any contribution from him to this email group in respect of the ad?---No emails from Councillor Petch.

30

So you say he told you nothing about this ad and what it might be related to?---No, I had no discussions with Councillor Petch at any stage about this ad.

Did you ask any other Councillors about this mysterious website 'Save Ryde' and how this group had suddenly become interested in promoting your re-election?---No, around that time there were many Ryde community groups had sprung up, there were Residents for Ryde, there was, you know many names with Ryde in them, I, I - - -

40

Can you think of any others that had your picture and nominated you for re-election in the ads and actually indicated that you were authorising the ad? ---No, there weren't any.

Well, this obviously was something a bit different then to other community groups that had sprung up?---Yeah, but I, as I said I was very busy at the time and I didn't think too much of, of the ad.

Well, do you recall that the ad was placed a second time, and I'd ask you to have a look at pages 1330 and 1331. So do you see these are pages from The Weekly Times, pages 18 and 19 from 5 September?---Yes.

So this is the last edition of The Weekly Times prior to the election?---That would be correct.

And that's the same ad?---Yes, it looks the same.

- 10 By that point you'd had - another week had passed, I know you were busy with the election looming but had you had any further thoughts or discussions with people about how this ad came to be in The Weekly Times?---No. I mean, by that stage it was the final week campaign, I was even busier than the week before. I didn't pay attention to all the things which were in the paper.

Well, you knew from placing your own ads that someone had to pay for these ads, didn't you?---Correct.

- 20 And you knew from paying from your own ads that a half page or - sorry, an ad that goes across half, half of two pages would be quite an expensive ad to place?---Correct, I don't have the rates but I assume that's correct.

- Well, were you interested in finding out who it was that in effect donating this advertising for your benefit and that of others?---Well, I don't accept it's a donation to me because the concept of donation means I have some right to accept or reject that advertisement. In this case the very first time I saw it it was already published. I had no warning that it was going to be in the edition of 28 August and had no warning that it was going to be in the subsequent week so I never organised or placed this ad in the paper and I wasn't, I was never given the opportunity to, to say no to it, it was a - the view I took at the time was it was probably a third party or someone who took their own initiative to putting this ad in the local paper.
- 30

Well, did you understand that with this ad either Mr - well, I withdraw that. You knew Mr Booth, the owner of The Weekly Times?---Sure.

- One possibility was was that I take it he might have been running this at no cost, this ad?---That could be the case, I don't know.
- 40

Did that cross your mind?---No, because I didn't, as I said, I didn't think too much about the ad.

Well, did you assume he must be paying for it?---That would be a reasonable assumption, yeah.

But did it not trouble you to find out who that might be?---No, because you're, you're looking at two ads in isolation over the course of the election

campaign and it was the busiest two weeks of the campaign and I didn't turn my mind to it at the time and then after the election I didn't think about it again.

Would you accept that on reading it you took it to be that someone had grouped you and other Councillors together collectively?---Correct.

Being the Councillors who were opposed to the Ryde Civic Precinct redevelopment?---Yes.

10

And that for the benefit of your and those other Councillors' election they placed an ad?---So whoever placed the ad was promoting their point of view in the paper.

Well, promoting you for re-election weren't they?---They, they were promoting all six Councillors and they were, they were against the Civic Centre redevelopment project.

20

Well, the ad does identify you as one of the Councillors, the six who are fighting to prevent the Civic Centre redevelopment?---Yes.

So would you accept that in addition to that it also promoted you as a person that people might vote for?---If people responded to that message.

Well, it's identifying the Councillors in different wards isn't it?---Yes.

30

And it's suggesting on its face in the words in the ad that you should vote for those Councillors who were fighting for the community?---That's what the wording says, yes.

So it's promoting you for re-election isn't it?---It was a - whoever put the ad in there was promoting these six Councillors, yes.

For re-election?---Yes.

40

And would you accept that in circumstances where you assumed that someone was paying for this you were receiving a benefit through this ad? ---No, because I need to have the right to accept or reject that benefit. Now if some third party puts in an ad in there without telling us first I can't be held responsible for that because that makes a mockery of all of the election funding laws and it would mean a candidate would have to scroll through every newspaper to make sure there isn't an ad which promoted them or is favourable to them in, in some way.

ASSISTANT COMMISSIONER: But you were shown this ad weren't you before it appeared?---I wasn't- - -

Didn't you say Councillor Tagg circulated it?---No. See, the order of events is I saw the ad in the online edition of The Weekly Times- - -

Mmm?--- - -and then I read emails in my inbox and some of those emails related to that ad and that's why I emailed a group back saying the ad's already in the, in the paper this week, so what can we do about it.

10 Well, the fact that it was sent to you by Councillor Tagg would have alerted you to the fact it possibly wasn't some unknown third party who was organising it?---But Councillor Tagg's email also said he didn't know um, who was behind it and Councillor Perram asked that question and there was no, there was no response, no answer and then I, I moved on to other matters.

20 If, if this was viewed as a gift or a donation are you aware under the Electoral Funding Act that it's illegal to accept a gift if you don't know who the donor is?---Sure. Look, I was very careful in managing my donations. I, throughout the course of the campaign I had about 70 donors and they were all small donors, people who gave anything from \$10 to several hundred, but regardless of the amount I was – I took steps to make sure we were only receiving donations from legitimate sources and that meant you don't receive donations from people not on the electoral roll, you don't receive donations from property developers. So I actually designed a form myself where people would put in their names and address and contact details and, and then they would also tick a box saying they are not property developers, they are on the electoral roll. So those were the steps I took to satisfy myself that the donors- - -

30 For all you knew this advertisement was put in by a property developer?
---Sorry?

You didn't know who put in this advertisement?---I didn't know. I'm talking about all my other donors who- - -

And it said it was authorised by you?---Yeah, but I'm not sure I, I paid much attention to the, to the fine print at the time.

Well, and then it appeared at another week?---Sure.

40 I mean did you ever think to ring up Mr Booth or someone at the paper and say who is putting in these advertisements?---No, honestly at that time I was so busy with the campaign I was, you know, I got up early in the morning, I would be out for most of the day, I'd come back home and check some emails and then after the election you, you forget and you, you move on to other things.

Could I just clarify some of your earlier evidence. I think you said as part of this emailing back and forth, somebody eventually emailed you and said we

don't know who's responsible. Who was that?---Councillor Tagg,
Councillor Tagg replied.

What did he actually say?---Ah, he says um, I'm, I'm just forwarding it on, I
don't know. So that was in response to Councillor Perram's question I
believe.

MR GRIFFIN: Commissioner, can I intervene? I have copies of the emails
that this witness is referring to.

10

ASSISTANT COMMISSIONER: Yes.

MR GRIFFIN: And I'm having copies made of it at the moment. Perhaps
further questioning on that particular issue can await my ability to provide
them to Counsel Assisting?

ASSISTANT COMMISSIONER: Yes, yes, that's- - -

MR GRIFFIN: They weren't subject to any notice to produce.

20

MR DOWNING: I'd be grateful to see them, Commissioner.

ASSISTANT COMMISSIONER: Yes, we would like to see them.

MR GRIFFIN: It will at least give the sequence and the exact wordings of
what various people said.

ASSISTANT COMMISSIONER: Yes, that would be very helpful. Yes,
Mr Downing, you can carry on.

30

MR DOWNING: Mr Li, I think a moment ago when I asked you about
whether you accepted you got a benefit through this advertisement you –
your response, and please tell me if I'm paraphrasing this fairly, was that
you didn't regard it as a benefit because you didn't have the opportunity to
say yes or no?---That's correct, so I had no ability to either accept or reject
that benefit and- - -

Well, can I just ask you this?---Yeah, yeah.

40

You say that you received the first email of the artwork from Councillor
Tagg at a time when you knew it was online but the actual paper copy
hadn't come out?---The paper copy comes out at the same time, so my
understanding is the cut-off date for submission of materials is about
midday Tuesday every week.

And did you first see the online version after that time?---I didn't have a
hard copy that day but I saw the online edition.

But you certainly would have had an opportunity in order to, given your understanding of what a benefit is, you would have had an opportunity to say no to this being placed for the second week wouldn't you?---Well how would we have known that it would be there in the second week.

Well can I ask you did you notice that there was an address - you know that for each political advertisement as well as noting who authorises it there has to be an address doesn't there?---Correct.

10

You know that from placing any number of ads yourself?---Yeah.

Did you make any inquiries amongst the other Councillors who'd been promoted through this ad about whose address that might be?---No, so the only correspondence or discussion between Councillors about this ad was those series of emails.

Do you recognise that address?---(No audible reply)

20

Do you recognise that address as being the address of one of the other Councillors who's promoted in the ad?---It could, I'm just assuming but Councillor Salvestro-Martin lives in Denistone East - - -

And you, you knew that at the time I take it?---(No audible reply)

You knew that at the time this ad had been placed?---Well only if I paid attention to the authorisation line and I'm telling you I haven't.

30

Are you saying positively that you didn't pay any attention to it or that you just can't remember?---I can't remember seeing my name in that ad at the time.

If you'd noticed that it was, if, if you had noticed at the time that you were down as the person who had authorised it that would have caused you some alarm wouldn't it?---Correct, yeah.

Beause you hadn't?---That's right. There was no genuine authorisation.

40

All right. Now coming back to the notion of a benefit is it your evidence that unless you have the opportunity to say to the donor yes or no I will accept this that, that whatever your, whatever you might receive doesn't constitute a benefit?---Well, yes, because otherwise it's completely impracticable for any candidate because you wouldn't know when someone has put an ad on your behalf or anything, there could be ads in the internet that you don't even know about.

Well if someone left a paper bag with \$1000 on your desk and you found it there and didn't see them drop it off do you say that wouldn't constitute a benefit?---I'm sorry?

If someone had left \$1000 in a paper bag on your desk but you hadn't seen them drop it off you just came across the bag later - - -?---I wouldn't accept that.

10 Would you regard that as a benefit?---Well I wouldn't accept that.

Would you regard that as a benefit?---If I, if I received it, if I, if I took it, if I took the bag of money, yes.

Because you would get some benefit from the cash?---Yeah, but that's me making an active choice taking the, the paper bag.

20 Don't you accept that in this case advertisements were placed nominating you for re-election, suggesting you'd be voted for, you knew someone had to have paid for them or you assume someone had to have, you certainly hadn't, that that constituted a benefit that you received?---Look if you say it's a benefit I involuntarily received I'll accept that.

Passively received?---I didn't have a choice.

30 Well you did have a choice didn't you, you could have taken active steps to find out what saver I was, who was behind it and to inform the persons that you weren't being, you didn't want to be advertised for and you hadn't authorised the ad?---But presumably by your definition I would have received the benefit as soon as the ad was published because that's when people saw the ad and possibly responded to the message so it would have been too late by then, the benefit would have been received - - -

You're aware that ads were placed over two weeks aren't you, Councillor Li?---(No audible reply)

I've shown you the ads placed over two weeks - - -?---After the fact, yes.

40 Well you, you noticed at the time didn't you, didn't you notice from the 28 of, of August through to 5 September 2012 that the ad had been placed once in the Weekly Times had been replaced, it had been repeated?---Yeah, but I had no warning about either ads.

And you took no steps to find out in the interim period what "Save Ryde" was and whether you might be able to prevent any further ads being placed?---Correct. I was very busy in the final two weeks of the campaign.

So you accept don't you that collectively you and the other Councillors nominated in the ads - I withdraw that. Would you accept that you and the

other Councillors whether deliberately or not that the Councillors mentioned in the ad received a collective benefit through this advertising?---Look I'm not going to speak for other Councillors I said for my part if you, if you say that I received a benefit involuntarily because someone put this ad in there without my consent I'll accept that.

And would you accept that in this case that upon your part this ad was placed with you not having any idea of the name or, the name or address of the person who actually placed or paid for the, the advertising?---Correct.
10 We didn't know who put the ad in it.

And from your email exchange you say that no-one knew, none of the six Councillors knew?---That's what the email says, yeah.

Can I just have a moment, Commissioner, it might - perhaps if I just have a short adjournment to have a look at the emails.

ASSISTANT COMMISSIONER: Yes.

20 MR DOWNING: I don't imagine it'll take very long.

ASSISTANT COMMISSIONER: Yes. We'll adjourn for a few minutes.

SHORT ADJOURNMENT

[2.55pm]

ASSISTANT COMMISSIONER: Yes, Mr Downing.

30 MR DOWNING: Commissioner, thank you for that time. We have been - copies have been made available of a number of emails and I would like to ask Mr Li some questions in relation to them and we have copies which we can provide, there's two here, one for the witness and we do have copies which we can circulate to other interested parties and because we've only just obtained these they're obviously not on the screen.

ASSISTANT COMMISSIONER: Thank you.

40 MR DOWNING: Now, just while we're distributing to other people, Mr Li, can I ask you to look - these are a series of emails, they're forwarded from you to Nicholas, is it Heinecke, is that your solicitor?---That's my solicitor, yeah.

So ignoring Mr Heinecke and the fact that they've been forwarded to him - - -?---Yes.

- - - what I want you to look at first is one from Vic Tagg to you and others of 28 August, 2012 at 11.49pm?---Ah hmm.

Do you have that in front of you?---Yes.

Now, do you recall when it was you first saw this email?---Yes, I saw it on the evening of 28 August.

But this sent on its, according to the time on it just before midnight?---So 2.11 - - -

- 10 I'm sorry, 2.11.49, I'm sorry, I thought - I read that 11.49, so 2.11 in the afternoon?---Correct and when I saw the - I usually respond to emails when I read them so I would say the time I saw the emails was at the time I wrote something back which was at 5.30pm on that same, same day.

Well, just dealing with the original email you received it was sent from Vic Tagg to you and the other Councillors being Councillor Perram, Councillor Petch, Councillor Butterworth, Councillor Salvestro-Martin, do you see that?---Yes.

- 20 And these are the Councillors who were mentioned in this particular advertisement?---Correct.

And do you see that in the text of the email it seems that Councillor Tagg, that's Vic Tagg, has indicated, "Jeff asked me to forward this for approval."?---(No Audible Reply)

Do you see that?---That's, yeah, that's what he said, yeah.

- 30 And did you understand that to be Councillor Tagg indicating that Councillor Salvestro-Martin had asked that this be forwarded for approval? ---I would assume so but you have to ask Vic who, who wrote the email.

Well, when you read it at the time- - -?---Yeah.

- - -is that what you interpreted it to mean?---I'm not sure I read that email on its own. By the time I got home to read the emails around 5.30, so there were a few emails by then, I was reading the emails which one person replied to another.

- 40 Surely you went back to the source to see what the beginning of the chain of emails was?---Oh, look, I can't remember what I read at the time.

Well, it says on its face, doesn't it, that, "Vic, Jeff has asked me to forward, forward this to you," - sorry, I withdraw that. Above that under the subject heading, "Advert going into TWT," it says, "Jeff asked me to forward this for approval, Vic."?---Yeah, I can see the wording.

Surely you read that at the time, didn't you?---I can't recall. It's, you know, there were hundreds of emails every day.

Well, on reading it now would you accept that what it seems to be indicating is that the source of this is Councillor Salvestro-Martin?---It would, it would appear that way because Jeff was one of the six um, cc'd um, but- - -

Well, he's the only- - -?---Yeah.

10 He's the only Jeff amongst the six who's in the ad- - -?---Correct.

- - -isn't he?---Yeah.

Looking further down the page there seems to be an earlier communication. Do you see that? So your email – sorry, your, your receipt of the email from Councillor Tagg was at 11.49 – I withdraw that – 2.11.49 in the afternoon?---Well, that's the time he sent it.

20 And I know you say you didn't read it at that time, but that's when, roughly when you would have received it through your email account?---I assume, yeah.

Looking down the page it appears that there was an earlier communication from someone to Councillor Tagg at 1.59 in the afternoon on the same day? ---Yes.

And you see that that's the first part of the content?---Yeah.

30 And it reads, "Vic, Jeff has asked me to forward this to you, regards."? ---Correct.

Now, the name or the signature or the electronic signature below seems to be missing. Do you know who that was from?---No.

Have you copied this in a way so that everything that was included in the email you received is visible on this piece of paper?---Absolutely.

So you haven't redacted it in any way to take out the name?---No, no.

40 So you don't know who was actually giving that initial message to Councillor Tagg?---No, I don't.

Indicating that Jeff has asked whoever this person was to forward it to you? ---No, I don't know.

Or sorry, forward it to, to him?---Yeah, I don't know.

So if we then go to the second page of that document, is this what you were referring to earlier as the draft of the ad?---So this was the artwork which was attached to Councillor Tagg's email and I recognised it looked very similar to the advertisement that was published.

But in slightly different form?---The photos were different you will see there, but yeah.

10 Well, do you maintain that having read this you still didn't form the view that, that is this initial email, that Councillor Salvestro-Martin might have been behind it?---Sorry, can you ask that again?

I think your evidence is that you didn't know who was behind this?
---Correct.

Having looked at this email now- - -?---Yeah.

20 - - -do you, do you maintain that you didn't at the time of reading this email form a view that maybe Councillor Salvestro-Martin was behind it?
---I didn't form a view either way.

All right. Well, the next email in the chain, if you go to the next page, hopefully ignoring again the top part where you've forwarded it to your solicitor, there's an email from Councillor Perram to the group on 28 August, 2012 at 2.26 in the afternoon?---Correct.

30 And that's where – and you've referred to this in your evidence earlier, Councillor Perram indicated he had no objection to the, this being in the paper but he poses the question, "Should I ask who's paying."?---Yes.

And you read that didn't you when you saw the chain of emails?---I would have, yeah.

And if you then go ahead to the next page, this is one from Councillor Tagg to the group at 11.45pm that night?---So you've jumped, you've jumped, skipped over my email at 530, yeah.

40 Oh, sorry, I've got them in the wrong order. If I go back to your email then. Your email at 530 on that same day?---Yeah.

Where you indicated that the ad's already in this week's TWT?---Ah hmm.

And you indicated the, the website referred to doesn't work?---Correct.

So the point at which you came into the communication was after the query by Councillor Perram about who was paying?---Yes. So I replied all, I replied all, to, to, to all the recipients.

So was that about the time you saw the email around the 5.30pm - - -?
---Yeah.

- - - mark?---Yeah.

So you'd looked at the Ryde web, Save Ryde website and you couldn't get it to work?---Correct.

10 And you had looked at the TWT online. Was it at that point you noticed that the ad was already there or had you observed it - - -?---I, I saw the ad already in the online edition of the Weekly Times 'cause I, it's just a habit I, I always read the online edition on the Tuesday afternoon. 'Cause I saw the ad in the online edition before these chains of emails.

And then the next email is the one from Councillor Tagg to the group at 11.45 that night?---Correct.

20 Indicating that he was just asked to send it around and he doesn't know the answer to the question?---Correct.

And I take it you read that to mean the question who's paid for it or - - -?
---Councillor Perram's version.

- - - who's paying for it. And did you read that that day or the following day?---I can't remember now, I mean looking at the time it's quite late, it could have been emails that you read the next day, I don't know.

I tender that bundle of emails.

30 ASSISTANT COMMISSIONER: Yes. That will be Exhibit 22.

#EXHIBIT 22 - BUNDLE OF EMAILS SENT BY MR LI

40 MR DOWNING: Now, Councillor Li, is it correct that when you, you made a disclosure to the Electoral Authority in respect of your campaign and candidacy in September 2012?---I made a disclosure for the financial year that was due in, I think it was June 2012, the year ending June 2012.

In - have you made any disclosure since that disclosure which ended in June 2012 in respect of the saveyde.com ads?---I have not. Well the returns are not due until I think September this year, that's - - -

ASSISTANT COMMISSIONER: I think 26 August isn't it? Some date in August - - -?---That's, yeah.

- - - returns are due. And that would be for the period up to June 13, is that right or what period?---Correct, yeah. So one financial year.

Yeah.

MR DOWNING: Are you intending to disclose this particular ad?---If I'm advised that is the correct position but we would still have to work out who the, who, who put in the ad because it's, it's central to filling in the electoral funding disclosure forms that you know the identity of the, of the donor.

10

Do you understand that it can be an offence to accept a reportable political donation that's required to be disclosed under the Act where you don't know the name and address of the person who made the donation?---Yes, and I haven't accepted any such donations.

And are you aware that it can be an offence to accept a reportable political donation required to be disclosed under the Act where - I'll withdraw that. You maintain that you haven't accepted any donation?---Correct, and I never considered that part of my campaign material because I did not put that in.

20

ASSISTANT COMMISSIONER: Well, Mr Li, I have a bit of a problem because you've responded to this email?---I have.

And I presume you read it before you responded to it?---Yeah.

Because your answer is responsive to it?---Yes.

30

So it says that it was forwarded for approval to you and to others whom it benefitted and it said that it was, it was asked to be forwarded by a person we've accepted was Mr Salvestro-Martin. Do you accept that?---Going through this chain of emails, yes.

Yes. So - and it's also apparent from a later email that nobody seems to have known who was paying for this?---Well, nobody seems to know who placed the ad in the first place.

Or who was paying for it?---Correct.

40

So why is this not a donation to these persons who have been asked to authorise it?---Because we didn't accept that ad.

Well - - -?---We didn't place the ad in the paper, Commissioner.

You don't know who placed the ad?---No, just as I don't know if third party campaigners placed an ad in the paper.

You know, well, look I think we've gone beyond the third party campaigners haven't we? Because it was forwarded to this group for approval to be placed, this group?---And I never gave that approval, Commissioner.

Yes, but it's quite obvious it's not some third party is it, it's Mr Salvestro-Martin and Mr Tagg?---Well, Mr Tagg said he doesn't know who, who put the - - -

10 He doesn't know who's paying for it.

MR GRIFFIN: Commissioner, can I intervene on that point? We wrote to the Commission at lunchtime yesterday seeking particulars in relation to paragraph 7 of the scope of inquiry.

ASSISTANT COMMISSIONER: You're not entitled to particulars, Mr Griffin.

20 MR GRIFFIN: I accept that but my point is - - -

ASSISTANT COMMISSIONER: Well, what's the point of seeking them?

MR GRIFFIN: One of the questions, one of the questions - well, the fact that you're not entitled doesn't mean you can't make the request because - - -

ASSISTANT COMMISSIONER: Yes, look, you can make a request but what is the point of your objection?

30 MR GRIFFIN: My point is that one of the questions asked was whether the Commission knew the identity of the person that had placed the ad and I was advised orally by Counsel Assisting that the Commission didn't know that and now you're putting to this witness in my respectful submission that the identify is known as a matter of fact.

ASSISTANT COMMISSIONER: No, I'm not, I'm saying he didn't know.

MR GRIFFIN: Well, if that's the case - - -

40 ASSISTANT COMMISSIONER: I'm saying - no, I'm not saying - we don't know, he doesn't know. I'm saying that the person - - -

MR GRIFFIN: I thought you were putting the proposition that Mr Salvestro-Martin was the person that had put the ad in, I thought that was implicit in your question.

ASSISTANT COMMISSIONER: I'm saying that he would have had no reasonable basis for belief that this was some sort of third campaign when it

was sent to him by people within the group of which he was part and who received the benefit of it.

MR GRIFFIN: Well, with respect, Commissioner, I think that you went beyond that point with the next question you asked.

ASSISTANT COMMISSIONER: Which was what?

10 MR GRIFFIN: That I thought you were asserting that it was obvious that Mr Salvestro-Martin was the person that had placed the ad and that this witness should have known that.

ASSISTANT COMMISSIONER: No, I'm saying that the only information he had was that it was being circulated for approval by person with whom he was associated in this group.

MR GRIFFIN: Thank you.

20 ASSISTANT COMMISSIONER: So - - -

THE WITNESS: Commissioner, look, I guess I'm disappointed by the allegation because I go to such lengths to make sure that the donors that contribute to my campaign, even the person who pays \$10, I know who they are and - - -

30 ASSISTANT COMMISSIONER: Well, you may have been careful about \$10 but this is worth a lot of money, this advertising, I'm just suggesting in fairness to you to give you an opportunity to respond you do not seem to have been particularly careful to find out who was behind this advertisement?

---Correct, I didn't have the time to find out who, who it was.

Thank you.

MR DOWNING: Did you also notice after the election that there was a further ad placed on behalf of the Save Ryde website and I'd ask you to look at page 1332 of the Exhibit 21, do you see that ad?---Yes.

40 Thanking the voters of Ryde for choosing you and others?---I don't think it refers to me.

Well, choosing the twin towerless bright new future based on fairness, integrity and consistency?---Correct, that's the wording.

But the earlier ads had been promoting you and the others who were opposed to the Ryde Civic Precinct redevelopment as persons who would oppose that redevelopment?---It's not an ad that refers to me.

Well, would you accept that it was thanking the, the people of Ryde for electing you and the others that had been promoted in the earlier ads?
---The only candidates which supported the towers were the Liberal candidates at the time so everyone else who had the alternative policy would support the, you know, say no to the Civic Centre development.

Well, this is an ad again referring to saveryde.com. Correct?---Correct.

10 Referring also to a Twitter address, Facebook address and a WordPress address?---Correct.

Were you, did you make any inquiries yourself to try and work out who was behind Save Ryde having seen this?---No. Look, again I didn't think much of the ad.

You did notice it at the time, didn't you?---I could have seen it in passing.

20 I've asked you already whether you were familiar with the Election Funding Expenditure and Disclosures Act?---Correct.

You were?---I am.

Were you familiar with section 96E?---Can you tell me what the section says?

96E provides a, provides for a prohibition on certain indirect campaign contributions?---As in in kind contributions?

30 Well, it refers, it defines certain types of indirect campaign contributions as being matters that are prohibited. Were you aware of that?---Sorry, can you, can you repeat the section again?

96E?---Yeah. Can you – can I see the- - -

Just have a look at it and tell me if you were aware of this before?---Not specifically.

Looking at it now- - ?---Yeah.

40 - - -would you accept that what it does is first of all provides in subsection (1) a prohibition on persons making certain types of indirect campaign contributions?---Ah hmm.

And in 96E subsection (2) for persons accepting such indirect campaign contributions?---That's correct.

And looking at (1) 96E (1b) do you see that it prohibits persons making indirect campaign contributions for party elected member, group or candidate? Well, you were a candidate for the election, weren't you?
---Correct.

And it prohibits a person making an indirect campaign contribution in the form of the full or part payment by a person other than the party elected member, group or candidate, of electoral expenditure for advertising or other purposes incurred or to be incurred by the party elected member,
10 group or candidate or to make an agreement to make such a payment?
---Yes, so the person who put the ad in there shouldn't, shouldn't make such contributions to a candidate.

And would you accept that under 96, sorry, 96E(2) it also provides that it is unlawful for a person to accept that form of indirect campaign contribution?
---Yes, and it goes back to what we were saying before, did we have the choice to either reject or accept this advertisement.

Well you knew someone else was paying for it or you assumed that
20 someone else was paying for the advertisement?

MR GRIFFIN: I object to this, Commissioner. As a matter of fairness Counsel should take the witness to section 96E(3)(c) which sets out the exception.

ASSISTANT COMMISSIONER: Yes. Well, I'm sorry, are you suggesting the value of these advertisements was below that threshold?

MR GRIFFIN: I'm suggesting that there's no evidence to the contrary
30 before this Commission.

ASSISTANT COMMISSIONER: Well perhaps Mr Downing has evidence to the contrary.

MR GRIFFIN: Well as a matter of fairness before he asks the witness to agree to a proposition on the meaning of the section he should in fairness take him to the third part of that section.

ASSISTANT COMMISSIONER: Well I think in general terms there may
40 be little utility in having the witness comment on what is a legal issue in any case.

MR GRIFFIN: I think in the circumstances where this witness has given evidence that he would seek legal advice before he put a return in.

ASSISTANT COMMISSIONER: Yes. Well this is going to an issue apart from the return, I mean this is going to an issue that, that you can't receive certain things in certain circumstances, it doesn't really go to what you put

in your return but I do think it's a, it's a matter of law that will have to be decided at the end of the day on submissions.

MR GRIFFIN: I accept that proposition.

ASSISTANT COMMISSIONER: And it's, it's obviously more of the factual issues that we're interested to ascertain from Councillor Li.

10 MR GRIFFIN: I have no objection to that, Commissioner, as long as he's not being asked to proffer a legal opinion on incomplete advice.

ASSISTANT COMMISSIONER: Yes, thank you. Is there an application to cross-examine this witness? Yes, Mr Bender.

MR BENDER: Yes, Commissioner. Two short questions.

20 Councillor Li, I appear for Councillor Salvestro-Martin. Was the advertisement published in the Weekly Times on 29 August 2012 the first advertisement published in that newspaper that displayed each of the six Councillors in connection with text opposed to the redevelopment of the Civic Centre?---So, well I would say it was published the day before on the 28 August when it first came online and also the hard copies became available on the 28 August.

30 Prior to 28 August had there been any other advertisements featuring all six Councillors in opposition to the development of the Ryde Civic Centre? ---There has been. There were a few open letters to the community which all six Councillors had agreed on the wording beforehand and we agreed we would publish those ads and we would split the bills six ways.

Approximately how many ads of that nature were there?---I would say there would be about two to three such ads.

Within what approximate time period were they published?---I think they were prior to May 2012.

Thank you, Councillor Li. Thank you, Commissioner.

40 ASSISTANT COMMISSIONER: Yes.

MR HYDE: Commissioner, if I may?

ASSISTANT COMMISSIONER: Yes, Mr Hyde.

MR HYDE: Councillor Li, I appear for Mr Petch.

You were asked questions by Counsel Assisting about the relationship breakdown with Mr Neish. Do you recall those questions?---Yes.

Do you recall that there was a motion placed before Council on 11 July 2012 in which it was sought to ascertain from Mr Neish why he had responded to a, an email from a concerned resident regarding the Precinct redevelopment?---Yes.

10 And do you recall that during the course of his explanation as to why Mr Neish had only responded including six Councillors and leaving another six off that he said the following, “This is the only case I have ever done this, I did decide to send it back and copy it to the six Councillors who supported the project this was because I knew that other Councillors were spreading misinformation.” Now did you recall hearing him say that?---I do.

And is that one of the significant reasons for the breakdown in the relationship between Council, Councillors and Mr Neish?---I think that did point to a breakdown in mutual trust and confidence in the employment relationship.

Thank you. Thank you, Commissioner.

20 ASSISTANT COMMISSIONER: Thank you, Mr Hyde.

MR TAYLOR: Commissioner, Taylor, on behalf of Mr Butterworth.

ASSISTANT COMMISSIONER: Yes.

MR TAYLOR: I'd seek leave - - -

ASSISTANT COMMISSIONER: Yes, Mr Taylor.

30 MR TAYLOR: Thank you.

I appear on behalf of Mr Butterworth, Mr Li. If you need Exhibit 22 please say so?---Sorry, I can't - - -

If you need Exhibit 22 to answer these questions please say, say so, it's the bundle of emails that have been produced by you through your counsel? ---Yes.

40 Are they the only emails that you received in relation to these two advertisements that appeared in The Weekly Times?---I believe so.

And do I take it from that therefore that at no stage did you receive any response from Mr Butterworth in relation to the emails that were circulated through this group?---I saw no emails from Councillor Butterworth.

Thank you. You were aware that Mr Butterworth was not standing for re-election weren't you?---Yes.

And you attended most of the Council meetings throughout 2012?---Yes.

Do you recall on more than one occasion Mr Butterworth making announcements during the course of that Council meetings that he would not be standing for re-election?---I think he made clear his retirement plans quite early.

10 Do you remember when - when you say quite early do you remember when it was you first became aware of that fact?---I think it would have been - I don't know, perhaps late 2011, early 2012.

Thank you, that's all, Commissioner.

ASSISTANT COMMISSIONER: Thank you, Mr Taylor. Yes, if there's nothing else, Mr Downing may he be excused, Mr Li?

MR DOWNING: Thank you.

20 ASSISTANT COMMISSIONER: Yes, thank you for your attendance, you are now excused.

THE WITNESS EXCUSED

[3.37pm]

ASSISTANT COMMISSIONER: Yes, Mr Downing.

30 MR DOWNING: Thank you, Commissioner. The next witness will be Councillor Tagg.

ASSISTANT COMMISSIONER: Yes.

MR McLURE: Commissioner, Councillor Tagg will - well, former Councillor Tagg will take an oath. I ask for a declaration to be made in relation to him under section 38 and finally could his address which is otherwise currently private be suppressed.

40 ASSISTANT COMMISSIONER: Yes, certainly. Come forward please. In respect of Mr Tagg I make a suppression order in respect of his private address.

THERE IS A SUPPRESSION ORDER OVER MR TAGG'S PRIVATE ADDRESS

ASSISTANT COMMISSIONER: 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.

10 **PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
ALL ANSWERS GIVEN BY THIS WITNESS AND ALL
DOCUMENTS AND THINGS PRODUCED BY 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.**

20 ASSISTANT COMMISSIONER: Could the witness be sworn, please.

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner.

10 Mr Tagg, if you could please tell us your full name?---Victor Joseph Tagg.

And your date of birth?---8th of the 5th, '51.

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

Now, it's correct you're no longer a Councillor at Ryde Council?---Correct.

Can you tell us were you a Councillor from 2004 until the 2012 elections?
---Correct.

20 So you were certainly there as a Councillor over the period from say 2010 to 2012 when the Ryde Civic Precinct redevelopment was a subject of some considerable controversy in the Council?---Yes.

Now, you - were you present at a meeting at Council on 8 May when a motion was put in respect of the creation of a community consultative committee?---Sorry, can you repeat the question, you weren't facing me, I'm sorry, I didn't hear that.

30 I'm sorry. A Council meeting on 8 May, 2012, do you recall a motion was put seeking the creation of a Civic Centre redevelopment community advisory committee?---Yep.

And you were one of the people that moved that motion, weren't you?
---Correct.

40 Can you recall – if you have a look it's at page 385 of Exhibit 1, hopefully it will come up on the screen in front of you. The motion should be number 1, the Civic Centre redevelopment community advisory committee. Can you recall whether Councillor Petch was the person that first came up with the idea of seeking that this advisory committee be created?---I, I think it was ah, to my recollection, Councillor Petch and maybe another Councillor.

Are you able to recall who that one was? I don't want you to speculate, if you can't remember, please say so?---Can't recall.

Nevertheless, you and Councillor Petch brought the motion forward. Is it the case that you seconded it?---Ah, correct, yes.

Were you asked to do that by Councillor Petch?---Yes.

Looking at the actual text you'll see there's seven points. If we scan to the bottom of that page and to the next one there are seven points that make up the motion. Are you able to say whether that form of words was something that was shown to you by Councillor Petch?---I, yes, I believe so.

10 So is it the case that Councillor Petch approached you with the idea of the wording and asked whether you would be prepared to second it?---My recollection is that I think the, the group were privy to the wording and we all agreed.

And when you refer to the group is that the group of six Councillors who at that stage were voting against the Ryde Civic Precinct redevelopment?
---The six Councillors that were moving for this motion.

Right. So who are identified in the actual minutes?---The six Councillors there, yep.

20 Are you able to recall whether – when it was that Councillor Petch raised with you for the first time this notion of having a community advisory committee that would be created and would look at the Ryde Civic Precinct redevelopment?---I can't recall, there's a lot happened since then and, Mr Downing, I would be inaccurate to try to guess. I'm sorry.

Just by reference to this meeting, you know the Council meeting where it was put up on 8 May?---Yes, my birthday.

30 Right. I'm sure it was a great way to be spending your birthday, at a Council meeting, but putting that aside – are you able by reference to that date to say whether it might have been weeks or days, weeks, months earlier that Councillor Petch first spoke to you about this notion of creating this type of committee?---All I can suggest would be prior, prior to that going through. I can't say how long, I can't recall exactly.

40 Now, from the – you would have been familiar with the wording of the motion that one of the aims was to effectively put on hold the progress of the Ryde Civic Precinct redevelopment while the committee looked at things?---I think it was to have more involvement from the community, that's how I believed it to read.

Well, it also included, didn't it, that all decisions to be made under the tender process and moving towards entering into a contract were to be put on hold while the committee looked at things?---Can I just read down to find out whether that's- - -

If you look at point 6?---Point 6. Yes.

And you recall don't you that there was – when the motion was put up it didn't ultimately pass in the form that had been put up?---I think it was lost.

So the committee didn't end up being formed?---As – I think my recollection, the amendment got up.

So the committee in the form that was sought under this motion- - -?---Oh, sorry, no.

10 - - -didn't end up being formed. Now, do you recall that on 9 July a particular letter seeking an extraordinary meeting was circulated, signed by you and Councillor Petch?---The night of 9 July?

Well, sorry, on the 9th. I'll just show you. If you look at page 73 of Exhibit 2. If we go, sorry, back to the page before so you can see it in full and, and scan down?---Hmm.

Do you recall this document a request for an extraordinary meeting of the Council?---I do.

20

And if we go to the next page. The notion being that meeting would hear a notice of motion seeking that Mr Neish's employment contract be terminated?---Correct.

And you and Councillor Petch signed this?---Correct.

Can I ask you do you recall whether it was Councillor Petch who approached you and asked you about signing this letter and seeking the, the extraordinary meeting?---Yes, it was.

30

And again was it the case that you agreed to, agreed to with his request that you would be prepared to do that?---Yes.

In the period between 8 May and 9 July do you recall any discussions with Councillor Petch about what could be done in respect of the Ryde Civic Precinct redevelopment given that the community advisory committee hadn't been formed?---I don't recall.

Do you recall - - -?---It could have, there could have been.

40

Do you recall any discussions leading up in that period that is between the 8 May and the 9 July about doing something in respect to Mr Neish's employment?---No.

Well would you, do you recall Councillor Petch expressing a view that because of the way Mr Neish was handling the Ryde Civic Precinct redevelopment he would prefer that his employment be terminated?---No.

ASSISTANT COMMISSIONER: I'm sorry, did you say no?---No.

Are you saying that didn't happen or you just can't recall it?---I can't recall. He asked whether I could recall Mr Petch approaching me about the sacking or getting rid of Mr Neish and I can't recall so I said no, I don't.

10 MR DOWNING: Do you not recall any discussions at all up until the date of this letter where Mr Petch expressed the view that because of the way Mr Neish is handling the Ryde Civic Precinct redevelopment he should be gotten rid of?---All I can say is that there was a lot of angst and a lot of people upset with the way things were happening, over 3600 submissions were against it and we were being emailed by a lot of the residents. So there was quite a considerable community feeling about this project? ---Correct, yes.

But just thinking a moment about your dealings with Councillor Petch I mean obviously he was one of the group of six Councillors that you were a part of that was opposing this project?---Yes.

20 And there was a fair bit happening towards it perhaps the tender being awarded to a particular developer?---Yes.

You're aware during this period that tenders had been received and that Lend Lease was a company that had put forward a tender?---Yes.

And you're aware that Mr Neish under the motions that had previously been passed by Council had been delegated the task of trying to reach some form of agreement before the September 2012 Council elections?---Yes.

30 Do you recall the discussion with Mr, with Councillor Petch at around this time that is May to July 2012 where he expressed the view that because of the way that Mr Neish was handling the Ryde Civic Precinct redevelopment that it would be appropriate that his employment be terminated?---I can't recall but I did agree to the signing the motion to bring it forward and have a debate at the extraordinary meeting.

Do you remember Councillor Petch saying at around this time we need to stop Neish signing any agreement with the developer?---I can't recall for, for sure, Mr Downing, I apologise, it may have happened but I can't recall.

40 Do you, do you have, do you remember him around this period expressing a view that it was really important that no contract be signed with the developer?---I can't recall.

There was obviously a lot going on around this time in respect of the development - - -?---There was a lot going on plus I'd lost my sister with cancer and there was a lot of things happening so I must apologise there's -

and at the moment my brother has got five weeks to live, he's got cancer too so my apologies to you.

I'm sorry, Mr Tagg. So doing the best now are you saying that, to the best of your recollection it was when you were asked to sign this particular motion that was the first time that there was a discussion about - - -?---Yes.

- - - Mr Neish's employment?---Yes.

- 10 But I take it you agreed with the proposition that terminating his employment would be the best way to go from your point of view?---Yes.

Now, after that letter was circulated a Council meeting was organised for 23 July and I take it you attended that?---I did.

And you're aware aren't you that voting initially was in favour of that motion that the employment be terminated but a rescission motion was then lodged?---Yes.

- 20 And before steps could actually be taken to terminate Mr Neish's employment, Supreme Court proceedings were commenced?---Correct.

And injunctions were obtained?---Yes.

Do you recall any discussions with Mr Petch around the time of the injunctions first being put in place or indeed sometime afterwards about trying to find a way to terminate Mr Neish's employment notwithstanding the orders the court had made?---No.

- 30 And again is this something where you just can't recall now or are you saying positively that you recall there was no such discussion?---I recall – my recollection there was no such discussion.

From your point of view when the motion was put before the Council back in July seeking that his contract be terminated the central reason for that was because of the way he handled the Ryde Civic Precinct redevelopment, wasn't it?---On behalf of myself it was one reason, that's one reason.

- 40 Was it the most important reason do you think?---There was a few that I believed warranted my decision to sign that petition.

Do you recall Councillor Petch expressing a view that it was because of the way he was handling the Ryde Civic Precinct redevelopment that he believed it was appropriate that his employment be terminated?---I think that was one of the reasons Mr Petch gave to me, yes.

Just excuse me for one moment. Now, you've been present in the Commission this afternoon, haven't you?---Yes.

And you've heard the evidence in respect of the Save – sorry, I don't want to turn my back on you so you can't hear?---It's just as I get older I get a little bit harder to hear, I'm sorry, when you go the other way. Thank you.

Not at all, Mr Tagg. The Save Ryde advertising?---Yes, I saw on the screen earlier, yes.

10 Now, and you've also been present in court when there have been – or sorry, in the Commission when there has been some evidence by Councillor Li about emails?---Yes, yes.

Now, can I ask you to have again, have a look again at the advertisement which- -?---Can I, can I get a copy, Mr Downing, please?

20 Certainly. We can, we can put it up on the screen in front of you, pages 1330 and 1331 might be the easiest way to follow it. There are – you would have heard earlier there are two ads, one on 29 August in The Weekly Times and another on 5 September in The Weekly Times. The ads are identical. So the one that's being put up now- -?---Yep.

- - -is the one on 5 September. There are two pages, that's the first page, and that's the second page of The Weekly Times with the ad going across the bottom of the two pages. Do you see that ad?---Yeah.

Now, do you recall this ad?---Yes, I do.

30 Can I ask you to tell us now your best recollection about the origins of the ad, who, who to the best of your knowledge was behind it being created? ---It was around the time of the Council election and I believe that it was sent from Jeff to me to forward on to the other six Councillors.

When you say Jeff, you're referring to Councillor Salvestro-Martin?---Yes.

Well, have a look at Exhibit 22 and there should be paper copies that can be made available?---Thank you.

40 Hopefully the first page of that exhibit will be an email from you to the various Councillors on 28 August at 2.11.49pm?---Correct.

Sorry, is that correct?---Yeah, correct, sorry.

And do you recall sending that email?---Yes, yes, I do.

And you see it says, "Jeff asked me to forward this for, for approval. Vic"? ---Yeah.

So that was you sending this - - -?---Yeah.

If you go to the next page there's actually the, the artwork for the, the particular advertisement?---Yeah.

And I take it that at some point prior to that particular time Councillor Salvestro-Martin had asked you to send it around to the, the group who were opposed to the Ryde Civic Precinct redevelopment?---Yes, and I don't know whether it was a phone call or, or an email earlier but anyhow, yes.

10 ASSISTANT COMMISSIONER: Well somebody must have emailed to you for you to forward it around?---Correct.

Do you know, was that Mr Salvestro-Martin?---I believe it to be Jeff, yes.

Do you know why he couldn't just forward it around himself?---He was very busy with work too, his, sometimes he was down at Canberra or overseas, he may have sent straight to me because his email doesn't go through, sometimes some people accept it or something else - - -

20 So somebody, sorry?---Some emails I accept where some of his don't go through.

So somebody obviously sent it to your hotmail account though?---Yeah.

Yes?---I believe it to be Jeff.

MR DOWNING: Well do you see underneath the text that you've put in which is "Jeff asked me to forward this for approval. Vic"?---Yeah.

30 There's a subject line referring to the advert going into the TWT?---Yes.

And there's an earlier time, that is your email went out 2.11 in the afternoon?---Yeah.

And it shows that this earlier email that seems to have come to you went, was sent at 11.50, sorry, 13.59 so 1.59pm?---Yeah.

And that says, "Vic, Jeff has asked me to forward this to you. Regards"?---Yeah.

40 Now that email is to you obviously, it's addressed to you - - -?---Yeah.

- - - and it refers to Jeff so presumably that didn't come from Councillor Salvestro-Martin. Do you recall who it was that sent the email to you originally?---No.

Looking at it you'll see that it says "Regards" but then there's no name underneath?---Yes.

Do you have any, do you have no recollection now about who it was that actually sent you this thing in the first place?---No.

To your recollection was there a name on the email you got originally asking you to forward it around?---I can't recall. I assumed it was from Jeff and, and looking at this here it's regards and I don't know I assumed it might have, it must have been from Jeff or somebody may be Jeff's off-sider, I don't know.

10 Jeff wouldn't be referring to himself in his email would he, that is by, by the third person?---No.

So it, it seems fairly plain looking at it wouldn't you agree that this came from someone else indicating that Mr Salvestro-Martin had asked that whoever this person was to send the email to you?---Yes.

Can you remember for instance whether it was Councillor Petch was the source of the original email?---No.

20 Can you remember - are you familiar with a Mr Anthony Stavrinis?---Yeah, I have met him.

Is he someone that you met in the course of this election campaign?---The 2012 election campaign, I met him but I don't know where I met him.

Can you remember the context in which you met him?---I don't know whether it was meet the candidates which was at, there was two ventures, I don't know whether I might have met him there when you're supposed to meet the candidates and meet the people that are in the audience.

30 Did one of the other Councillors introduce you to him?---No, at the RSL club that I'm a director of we had one of the meet the candidates there at our club so look I can't say correctly where I met him but I know I've met him somewhere.

40 Would you have somewhere on your computer system the original email that you received on this day, that is the one that says "Vic, Jeff has asked me to forward this to you"?---I'd have to go back and try to have a look. My email was hacked a while back and Microsoft asked me to change to victagg@hotmail.com rather than victor_tagg because a lot of people were getting requests for money for my sister who had just died and I, there was a lot of emails sent to a lot of people so I don't know whether that's there or whether it's not because it has been closed down and it might have been wiped off so.

Do you not have paper records of any of these?---I'd have to try to go back and open up, it's put in a file.

Would you have the ability to do that overnight if we asked you to?
---It might take longer than that because I had – I did have seven and a half, 8,000 emails on there.

Well, this is one going back I understand to August of last year, but, Mr Tagg, I take it you've never masked in any way the identify of the person who the email was originally from?---No.

But you just can't recall now who it was from?---Correct.

10

Well, in any event, these emails went round and you were, you were a person who forwarded them on, indicating that Mr Salvestro-Martin had asked this to be forwarded for approval?---Correct.

I take it you understood it to be an ad that was going to be placed in The Weekly Times?---It was similar to what we had done two or three times previously.

Up until the receipt of this email had you heard of saveryde.com?---No.

20

Did you have no idea about what that entity was?---Didn't know who it was.

Did you look at the draft ad when you received the email?---I quickly glanced at it and then would have forwarded it on as was requested.

Well, you would have noticed wouldn't you that it was, it was promoting you and the other people against Ryde Civic Precinct redevelopment for re-election?---Yeah. There was another couple of groups being promoted too but not in this, this one.

30

Just dealing with this ad – I mean this is an ad you received?---Yep.

It was promoting you for re-election?---Yes.

Did you also notice that it indicated it was authorised by you amongst others?---Yes.

Did you find that curious, given that you presumably hadn't actually authorised it?---Um, yes.

40

Did you make any inquiry of any of the other Councillors about how had it come to be authorised apparently by you?---This, this is a process that we had operated three times before, Jeff sometimes sent to me and I sent off to everybody else to get approval before being printed, and that had happened when the six of us were in – sorry.

I'm sorry?---This had happened two or three times earlier when the six of us wanted to put a joint ad in.

Sorry, what had happened on those occasions?---That, that the email had been sent around from me, from Jeff to me and then to the others to get approval.

But this was a case where they were seeking approval for an ad that indicated that it was authorised by you?---Authorised by the six, and I think if you go back and you check records, we had some other ads where the six of us had verified the ads previously.

10

Commissioner, is that a convenient time?

ASSISTANT COMMISSIONER: Yes. I don't see any prospect of finishing Mr Tagg this evening so I think we will.

MR DOWNING: It will be a little bit longer, not- - -

ASSISTANT COMMISSIONER: Yeah. All right. Well, Mr Tagg, I'm sorry, you'll have to come back tomorrow at 10 o'clock?---Okay.

20

Thank you. We will now adjourn until 10 o'clock tomorrow morning.

**AT 4.03pm THE MATTER WAS ADJOURNED ACCORDINGLY
[4.03pm]**